

000169

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

3. DATE: 4/14/08 51
06/10

2. FROM (ORIGINATING DEPARTMENT):
Development Services

CITY ATTORNEY

rippls Mercy Hospital

PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
neé Mezo, 446-5001, MS 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Michelle Sokolowski, 446-5278, MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

ID				
T.	1300			
ANIZATION	1671			
JECT ACCOUNT	4022			
ORDER	425937			
P. NUMBER	NA			
DUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:

No cost to the City. All costs are recovered through s deposit account funded by the applicant.

10. ROUTING AND APPROVALS

DATE #)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	4/19/08	1	DEPUTY CHIEF	WILLIAM ANDERSON	4-21-08
2	EAS	ALLISON SHERWOOD	4-15-08	9	COO		
3	WOCPC-EXEMPT			10	CITY ATTORNEY		
4	CFD - Exempt			11	ORIG. DEPT	MIKE WESTLAKE	4/15/08
				DOCKET COORD: _____ COUNCIL LIAISON _____			
				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

- Ordinance rezoning 20.85 acres in the Uptown Community Plan area.
- Resolution certifying the information contained in Mitigated Negative Declaration No. 94392 has been completed in accordance with the California Environmental Quality Act and State CEQA Guidelines, and reflects the independent judgment of the City of San Diego as Lead Agency. Stating for the records that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project. Adopting the Mitigation Monitoring and Reporting Program.
- Resolution approving a General/Community Plan Amendment No. 33363.
- Resolution approving a Conditional Use Permit No. 304755 and Site Development Permit No. 531932.
- Resolution approving Public Right-of-Way Vacation Nos. 525320 and 525326, Public Right-of-Way Dedication Nos. 525322 and 525327, Easement Dedication No. 525329 and Easement Vacation Nos. 525323, 525331, 525330, 525324 and 525332.

11A. STAFF RECOMMENDATIONS:

Adopt the Ordinance and approve the Resolutions.

2. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 3

COMMUNITY AREA(S): UPTOWN

ENVIRONMENTAL IMPACT: THE CITY OF SAN DIEGO AS LEAD AGENCY UNDER CEQA HAS PREPARED AND COMPLETED A MITIGATED NEGATIVE DECLARATION, PROJECT NO. 94392, DATED FEBRUARY 6, 2008, COVERING THIS ACTIVITY.

HOUSING IMPACT: NONE

INSTRUCTIONS TO THE CITY CLERK:

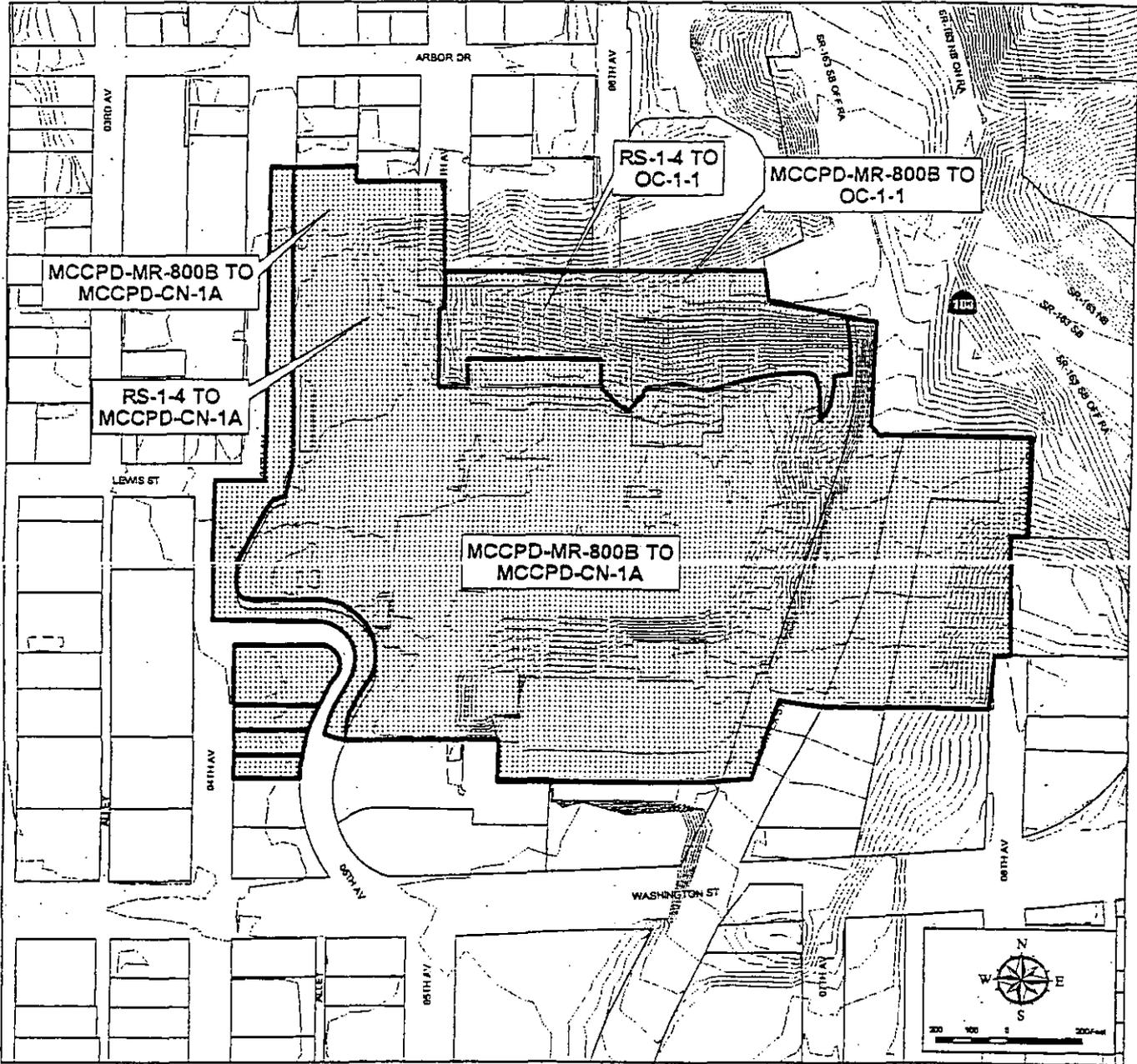
1. PUBLIC NOTICING IS REQUIRED
2. RETURN COPIES OF EACH RESOLUTION TO RENEE MEZO, MS 501 AND A COPY OF THE PLAN AMENDMENT RESOLUTION TO BILL ANDERSON MS 5A.
3. COUNCIL ACTION REQUIRES A MAJORITY VOTE

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PROPOSED REZONING



PAR 1, BLK 1 LOTS 88-91 & 36-53, BLK 3 LOT 2 & POR 28 LOTS ALL 7 & 12

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST MCCPD-CN-1A & OC-1-1
 PLANNING COMM. RECOMMENDATION
 CITY COUNCIL ACTION

CASE NO. 94392

 DEVELOPMENT SERVICES MANAGER
B-4257
 APN: 444-560-34, 444-531-13&34, 444-560-34
 (210-1713) 01-10-08 [d]

000175

(A)
(O-2008-150)

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 20.85 ACRES LOCATED AT 4077 FIFTH AVENUE, WITHIN THE UPTOWN COMMUNITY PLAN AREA IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE MR-800B AND RS-1-4 ZONES INTO THE CN-1A, THE OC-1-1 ZONES, AS DEFINED BY THE SAN DIEGO MUNICIPAL CODE SECTIONS 1512.0301, 131.0403, 131.0203, 1512.0305; AND REPEALING RESOLUTION NO. R-301263, ADOPTED 03/14/2006, OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT[S] HEREWITH.

This ordinance approves the rezoning of 20.85 acres from the MR-800B and RS-1-4 zones into the CA-12A, the OC-1-1 Zone in connection with property located 4077 Fifth Avenue, in the Uptown Community Plan, in the City of San Diego, California.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

RL:mm
05/05/08
Or.Dept:DSD
O-2008-150

000177

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 20.85 ACRES LOCATED AT 4077 FIFTH AVENUE, WITHIN THE UPTOWN COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE MR-800B AND THE RS-1-4 ZONES INTO THE CN-1A, THE OC-1-1 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 1512.0301, 131.0403, 131.0203, 1512.0305; AND REPEALING RESOLUTION NO. 301263 ADOPTED MARCH 14, 2006, OF THE RESOLUTIONS OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 20.85 acres located 4077 FIFTH AVENUE, and legally described as Parcel 1 of Parcel Map 8543, Map No. 1069; Lot 11 in Block 3 of Hillcrest, Map No. 1024; Lots 7 through 9 and a portion of Lot 28, Block 3 of Hillcrest , Map No. 1024, a portion of the alley within Block 3 as vacated and a portion of Lot 2 of Mercy Subdivision, Map No. 5252, and a portion of the alley between Lot 2 and Lot 7 and Lot 8 as vacated, Map No. 11832; Lots 36 through 53, and Lots 74 through 91, and Lot 36A in Block 1, and Lots 37A and 38A in Block 3 of D.B. Williams Subdivision of Lots 35, 36, and a portion of Lots 47 and 50 of Fleishers Addition, Map No. 855, in the UPTOWN Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. 4257B-, filed in the office of the City Clerk as Document No. OO- _____ , are rezoned from the MR-800B and RS-1-4 zones into the OC-1-1, and CN-1A zones described and defined by San Diego Municipal Code Sections 1512.0301, 131.0403, 131.0203, and 1512.0305. This action amends the Official Zoning Map adopted by Resolution R-301263 on March 14, 2006.

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Section 2. That Resolution No. 301263, adopted March 14, 2006, of the resolutions of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This resolution shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Rachel Lipsky
Deputy City Attorney

RL:mm
05/02/08
Or.Dept:DSD
O-2008-150
MMS#6208

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RESOLUTION NUMBER R- _____

DATE OF FINAL PASSAGE _____

A RESOLUTION APPROVING A COMMUNITY PLAN AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN AND THE SCRIPPS MERCY HOSPITAL PLAN TO REDESIGNATE IN THE UPTOWN COMMUNITY.

WHEREAS, on _____, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the Progress and Guide and General Plan and the Uptown Community Plan; and

WHEREAS, SCRIPPS HEALTH, A CALIFORNIA NON-FOR-PROFIT BENEFIT CORPORATION, requested an amendment to the Progress Guide and General Plan and the Uptown Community Plan to redesignate approximately 2.19 acres from Open Space to Institutional (Hospital), 0.40 acres from High Residential to Open Space, and 0.04 acres from Institutional (Hospital) to Open Space for the property located at 4077 5th Avenue, from Washington Avenue, 4th Avenue, 5th Avenue and 6th Avenue, the site is legally described as Parcel 1 of Parcel Map 8543, Map No. 1069; Lot 11 in Block 3 of Hillcrest, Map No. 1024; Lots 7 through 9 and a portion of Lot 28, Block 3 of Hillcrest, Map No. 1024, a portion of the alley within Block 3 as vacated and a portion of Lot 2 of Mercy Subdivision, Map No. 5252, and a portion of the alley between Lot 2 and Lot 7 and Lot 8 as vacated, Map No. 11832; Lots 36 through 53, and Lots 74 through 91, and Lot 36A in Block 1, and Lots 37A and 38A in Block 3 of D.B. Williams Subdivision of Lots 35, 36, and a portion of Lots 47 and 50 of Fleishers Addition, Map No. 855, City of San Diego, County of San Diego, State of California; and

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WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the Progress Guide and General Plan; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it adopts the amendments to the Uptown Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Rachel Lipsky
Deputy City Attorney

RL:mm
05/07/08
Or.Dept:DSD
R-2008-1012
MMS#6208

000181

(R-2008-1013)

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, California Streets and Highways Code section 8300 et seq. and the San Diego Municipal Code section 125.0910(b) provide a procedure for the summary vacation of a public right of way by City Council resolution; and

WHEREAS, the affected property owner has requested the summary vacation of a portion of Fifth Avenue, Montecito Way and Sixth Avenue [Summary Public Right-of-Way Vacation No. 1] to unencumber the property and facilitate development of the site as conditioned in Conditional Use Permit No. 304755, as shown on Drawing No. 20644-B, marked as Exhibit "B"; and

WHEREAS, Summary Public Right-of-Way Vacation No. 1 contains public utility facilities that would not be affected by the vacation; and

WHEREAS, Summary Public Right-of-Way Vacation No. 1 is excess public right-of-way and is not required for street or highway purposes; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 1, there is no present or prospective use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 1, the public will benefit from the action through improved use of the land made available by the vacation; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 1, the vacation does not adversely affect the Uptown Community Plan or the Progress Guide and General Plan; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 1 the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation; and

WHEREAS, the affected property owner has requested the summary vacation of a portion of Fifth Avenue [Summary Public Right-of-Way Vacation No. 2] to unencumber the property, re-align the street and facilitate development of the site as conditioned in Conditional Use Permit No. 304755, as shown on Drawing No. 20642-B, marked as Exhibit "B"; and

WHEREAS, Summary Public Right-of-Way Vacation No. 2 contains public utility facilities that would not be affected by the vacation; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 2, the public right of way has been superceded by relocation, and the vacation would not cut off all access to an individual property that, before relocation, adjoined the public right of way; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 2 there is no present or prospective use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 2, the public will benefit from the action through improved use of the land made available by the vacation; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 2, the vacation does not adversely affect the Uptown Community Plan or the Progress Guide and General Plan; and

WHEREAS, for Summary Public Right-of-Way Vacation No. 2 the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation; and

WHEREAS, the City of San Diego hereby reserves and excepts, from Summary Vacation No. 1, the right, easement, and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public utilities of any kind or nature, and appurtenant structures thereto, including, but not limited to, general utilities and all necessary and proper fixtures and equipment for use in connection therewith, in, through, over, under, upon, along, and across these summarily vacations, together with the right of ingress thereto and egress therefrom, together with the right to maintain the public utility easement(s) free and clear of any excavation or fills, the erection or construction of any buildings or other structures, the planting of any tree or trees thereon, or the drilling or digging of any well or wells thereon, together with the right to otherwise protect from all hazards the operation and use of any right hereby reserved. If the owner of the underlying fee obtains approval for an encroachment permit from the City Engineer pursuant to the San Diego Municipal Code, then the owners of the underlying fee may utilize the Subject Property for structures, the planting or growing of trees or the installation of privately owned pipelines; and

WHEREAS, the City of San Diego hereby reserves and excepts, from these summary vacations described herein, the easements and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground line of pipes, conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and the transportation and distribution of communication signals and for incidental purposes including access to protect these public works from all hazards in, upon, over, and across the Public Rights-of-Way to be summarily vacated; and

WHEREAS, granting of these Summary Public Right-of-Way Vacations does not free the summarily vacated property described herein, from any other easements for vehicular or non-vehicular trail use that the City had previously transferred or granted to the State or other public agency nor does it affect any existing private easements or other rights of a person (including, but not limited to, a public utility, the state, a public corporation, or a political subdivision, other than the City) in, to, or over the summarily vacated property described herein, regardless of the manner in which the private easement or other right was acquired; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and make legal findings based on the evidence presented; and

NOW, THEREFORE,

BE IT RESOLVED, as follows:

- (a) There is no present or prospective use for the public right-of-ways, either for the facilities for which they originally acquired or for any other public use of a like nature that can be anticipated; and
- (b) The public will benefit from the action through improved use of land made available by the vacations; and
- (c) The vacations do not adversely affect any applicable land use plan; and
- (d) The public facilities for which the public right-of-ways were originally acquired will not be detrimentally affected by these vacations; and

BE IT FURTHER RESOLVED, the Council of the City of San Diego finds:

1. That the public right of way, located within Parcel _____ of Parcel Map No. _____, recorded on _____ as Document No. _____ O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20642-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR-_____, and RR-_____ which are by this reference incorporated herein and made a part hereof, is ordered summarily vacated, reserving therefrom all existing rights in the summarily vacated public right of way as described herein; and

2. That the public right of way, located within Parcel _____ of Parcel Map No. _____, recorded on DATE as Document No. ADD O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20644-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR-_____, and RR-_____ which are by this reference incorporated herein and made a part hereof, is ordered summarily vacated, reserving therefrom a general utility and access easement, and a building restricted easement as described herein; and

3. That the City Engineer shall advise the City Clerk of the completion of the two conditions listed below and the City Clerk shall cause a certified copy of this Resolution, with attached Exhibits, attested by her under Seal, to be recorded in the Office of the County Recorder. From and after the date of recordation of this Resolution, the summarily vacated public rights of way shall no longer constitute public right of way easements. Upon such recordation, the summary vacation is complete.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Rachel C. Lipsky
Deputy City Attorney

RL:mm
05/02/08
Or.Dept:DSD
R-2008-1013
MMS #6208

EXHIBIT "A"

LEGAL DESCRIPTION
STREET VACATION

THAT PORTION OF FIFTH AVENUE (FORMERLY FIFTH STREET), MONTECITO WAY (FORMERLY BROADWAY STREET) AND SIXTH AVENUE (FORMERLY SIXTH STREET), OF FIFTH STREET ADDITION, ACCORDING TO MAP THEREOF NO. 577, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 10, 1889, AND THAT PORTION OF SIXTH AVENUE (FORMERLY SIXTH STREET) OF FLEISCHER'S ADDITION, ACCORDING TO MAP THEREOF NO 811, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 4, 1806, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 12, IN BLOCK 2 OF SAID MAP NO. 577; THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 2,

1. NORTH 00°08'40" WEST 93.58 FEET; THENCE LEAVING THE WESTERLY LINE OF SAID BLOCK 2
2. SOUTH 89°51'20" WEST 40.00 FEET SAID POINT BEING ON THE CENTERLINE OF FIFTH AVENUE; THENCE ALONG THE CENTER LINE OF FIFTH AVENUE; THENCE
3. NORTH 00°08'40" WEST 10.00 FEET; THENCE LEAVING SAID CENTERLINE
4. SOUTH 89°50'05" WEST 40.00 FEET TO A POINT LYING ON THE WESTERLY LINE OF FIFTH AVENUE; THENCE ALONG SAID WESTERLY LINE
5. SOUTH 00°08'40" EAST 153.42 FEET TO THE INTERSECTION OF THE WESTERLY LINE OF FIFTH AVENUE AND THE SOUTHERLY LINE OF MONTECITO WAY; THENCE ALONG SAID SOUTHERLY LINE
6. NORTH 89°57'29" EAST 325.08 FEET TO THE INTERSECTION OF THE SOUTHERLY LINE OF MONTECITO WAY WITH THE EASTERLY LINE OF SIXTH AVENUE; THENCE ALONG SAID EASTERLY LINE
7. NORTH 00°25'08" WEST 25.81 FEET; TO THE INTERSECTION OF THE EASTERLY LINE OF SIXTH AVENUE WITH THE CENTERLINE OF MONTECITO WAY; THENCE CONTINUING ALONG THE EASTERLY LINE OF SIXTH AVENUE

000188

- 8. NORTH 00°04'53" EAST 119.29 FEET; THENCE LEAVING SAID EASTERLY LINE
- 9. SOUTH 89°54'48" WEST 45.28 FEET; TO A POINT LYING ON THE WESTERLY LINE OF SIXTH AVENUE; THENCE ALONG SAID WESTERLY LINE
- 10. SOUTH 00°05'12" EAST 95.06 FEET TO THE INTERSECTION OF THE WESTERLY LINE OF SIXTH AVENUE AND THE NORTHERLY LINE OF MONTECITO WAY; THENCE ALONG SAID NORTHERLY LINE
- 11. SOUTH 89°57'29" WEST 200.05 FEET TO THE POINT OF COMMENCEMENT

RESERVING THEREFROM A GENERAL UTILITES AND ACCESS EASEMENT OVER THE EASTERLY 40.00 FEET OF SAID VACATED PORTION OF FIFTH AVENUE AND MONTECITO WAY LYING NORTH OF THE CENTERLINE OF MONTECITO WAY.

ALSO RESERVING THEREFROM A 20.00 FOOT WIDE BUILDING RESTRICTED EASEMENT OVER THE WESTERLY 20.00 FEET OF THE EASTERLY 40.00 FEET OF SAID VACATED PORTION OF FIFTH AVENUE AND MONTECITO WAY LYING NORTH OF THE CENTERLINE OF MONTECITO WAY.

ATTACHED HERETO IS DRAWING NO. 20644-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.

CONTAINS AN AREA OF 28,423 SQUARE FEET MORE OR LESS.

John Eardensohn

C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09

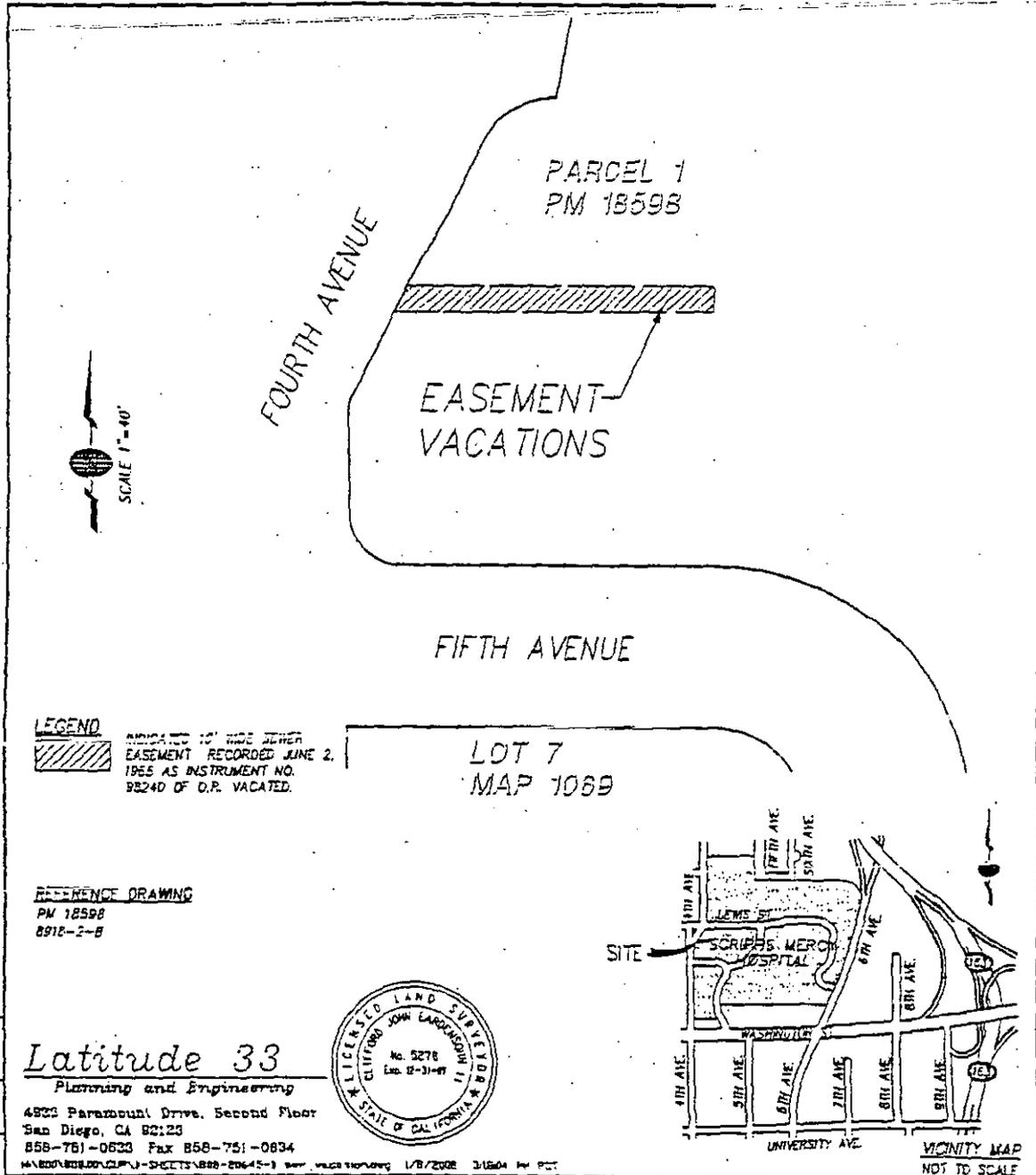


3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20644-B

000190

EXHIBIT 'B'



Clifford Lardensorn *clj*
 CLIFFORD JOHN LARDENSRN L.S. 5278 DATE
 REGISTRATION EXPIRES 12-31-09

SEWER EASEMENT VACATION
 IN PARCEL 1 OF PM 18598

DESCRIPTION	BY	APPROVED DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS		PTS. NO. 02392
ORIGINAL	LAT33			FOR CITY ENGINEER _____ DATE _____		J.C. NO. 206937
	AEA	1-2-08				1854-5278 NAD 83 COORDINATES
						214-1710 LAMBERT COORDINATES
						20645-B

000191

EXHIBIT "A"

LEGAL DESCRIPTION
SEWER EASEMENT VACATION

ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED JUNE 2, 1965, AS INSTRUMENT NO. 98240, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20645-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.


C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09



3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20645-B

000192

EXHIBIT "A"

LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT VACATION

THAT PORTION OF THE PUBLIC UTILITY EASEMENT RESERVED FROM THE VACATED PORTION OF MONTECITO WAY PER DOCUMENT RECORDED FEBRUARY 7, 1979 AT FILE/PAGE 1979-058862 OFFICIAL RECORDS IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20646-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.



Clifford John Eardensohn, L.S. 5278
My Registration Expires 12-31-09

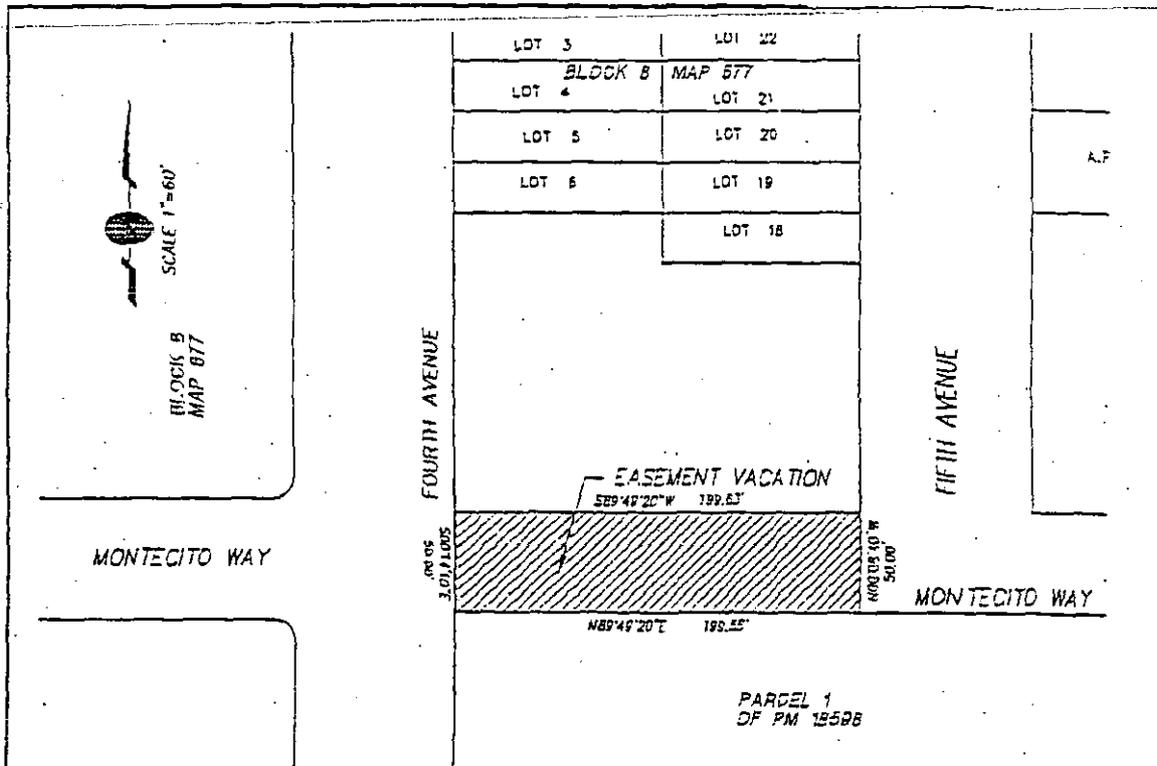


3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20646-B

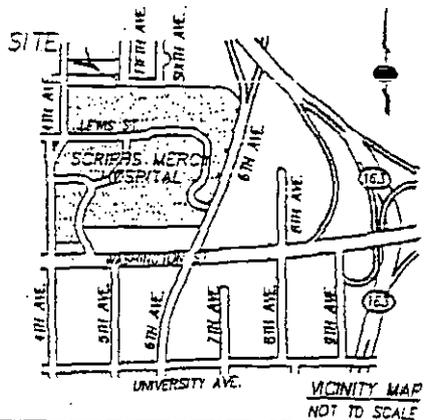
EXHIBIT 'B'

000193



LEGEND
 INDICATES PUBLIC UTILITIES EASEMENT RESERVED PER DOCUMENT RECORDED FEB. 7, 1979 AS INSTRUMENT No. 79-058862 G.R. VACATED.

REFERENCE DRAWING
 PM 12598, 14391-B



Latitude 33

Planning and Engineering
 4933 Paramount Drive, Second Floor
 San Diego, CA 92123
 858-751-0623 Fax 858-751-0834



M:\800\808.00\01\12-SHEETS\808-RESERVATION VACATION.dwg 1/8/2008 4:00:10 PM PST

C. John Eardensohn 2/19/08
 C. JOHN EARDENSOHN L.S. 5278 DATE
 REGISTRATION EXPIRES 12-31-09

PUBLIC UTILITIES EASEMENT VACATION

IN PARCEL 1 OF P.M. No. 12598

DESCRIPTION	BY	APPROVED DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS	P.T.S. NO. 04392
ORIGINAL	LAT33				
	A.E.A.	3-12-08		FOR CITY ENGINEER	DATE
					1854-6279 CCS 83 COORDINATES
					214-1710 LAMBERT COORDINATES
					20645-B

000194

EXHIBIT "A"

LEGAL DESCRIPTION
SEWER EASEMENT VACATION

ALL THAT PORTION OF THE 6.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED DECEMBER 13, 1928 IN BOOK 1564 OF DEEDS, PAGE 151 OF OFFICIAL RECORDS, AND ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED JUNE 23, 1960 AS INSTRUMENT NUMBER 128282 OF OFFICIAL RECORDS, LOCATED IN PARCEL 1 OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20647-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.



C. John Eardenson, L.S. 5278
My Registration Expires 12-31-09

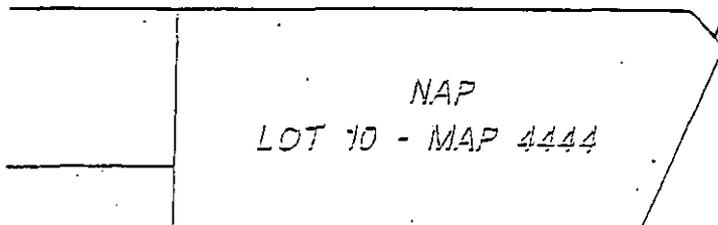


3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20647-B

000195

PARCEL 1
PM 18598



SIXTH AVENUE EXTENSION

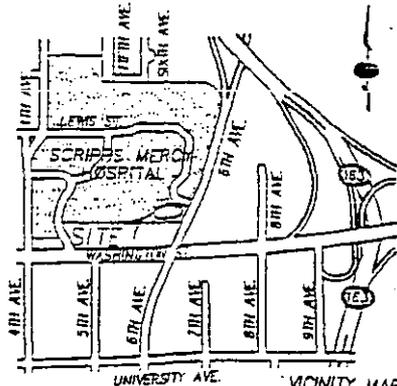


LEGEND

 INDICATES 6' WIDE SEWER EASEMENT, PER DOCUMENT RECORDED DECEMBER 13, 1928 IN BOOK 1564 OF DEEDS, PAGE 151 O.P., VACATED.

 INDICATES 10' WIDE SEWER EASEMENT, PER DOCUMENT RECORDED JUNE 23, 1966 AS INSTRUMENT NO. 122282, VACATED.

REFERENCE DRAWING
PM 18598



VICINITY MAP
NOT TO SCALE

Latitude 33

Planning and Engineering

4833 Paramount Drive, Second Floor
San Diego, CA 92123
858-751-0033 Fax 858-751-0034



MAPS\080808\0808\08-SHEETS\0808-SEWER EASEMENT VACATION - ITEM 3 AND 10.dwg 1/8/2008 3:07:09 PM EST

John Eardensohn

2/19/08

C. JOHN EARDENSOHN L.S. 5278 DATE
REGISTRATION EXPIRES 12-31-09

SEWER EASEMENT VACATIONS

IN PARCEL 1 OF PM 18598

DESCRIPTION	BY	APPROVED DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS		# 25 04392
ORIGINAL	LAT33					J.D. 425037
	SEA	2-12-08				1854-2278 CES 83 COORDINATES
				FOR CITY ENGINEER	DATE	214-1719 LAMBERT COORDINATES
						20647-B

000196

EXHIBIT "A"

LEGAL DESCRIPTION
STORM DRAIN EASEMENT VACATION

ALL THAT PORTION OF THE 10.00 FOOT WIDE STORM DRAIN EASEMENT AS GRANTED PER DOCUMENT RECORDED JULY 22, 1963 AS INSTRUMENT NO. 127989 OF OFFICIAL RECORDS, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20649-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.


C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09



3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20649-B

000198

EXHIBIT "A"

LEGAL DESCRIPTION
WATER EASEMENT VACATION

ALL THAT PORTION OF THE 20.00 FOOT WIDE WATER EASEMENT AS GRANTED PER DOCUMENT RECORDED DECEMBER 12, 1980. AS INSTRUMENT NO 1980-418947 OF OFFICIAL RECORDS, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20650-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.


C. John Eardenson, L.S. 5278
My Registration Expires 12-31-09

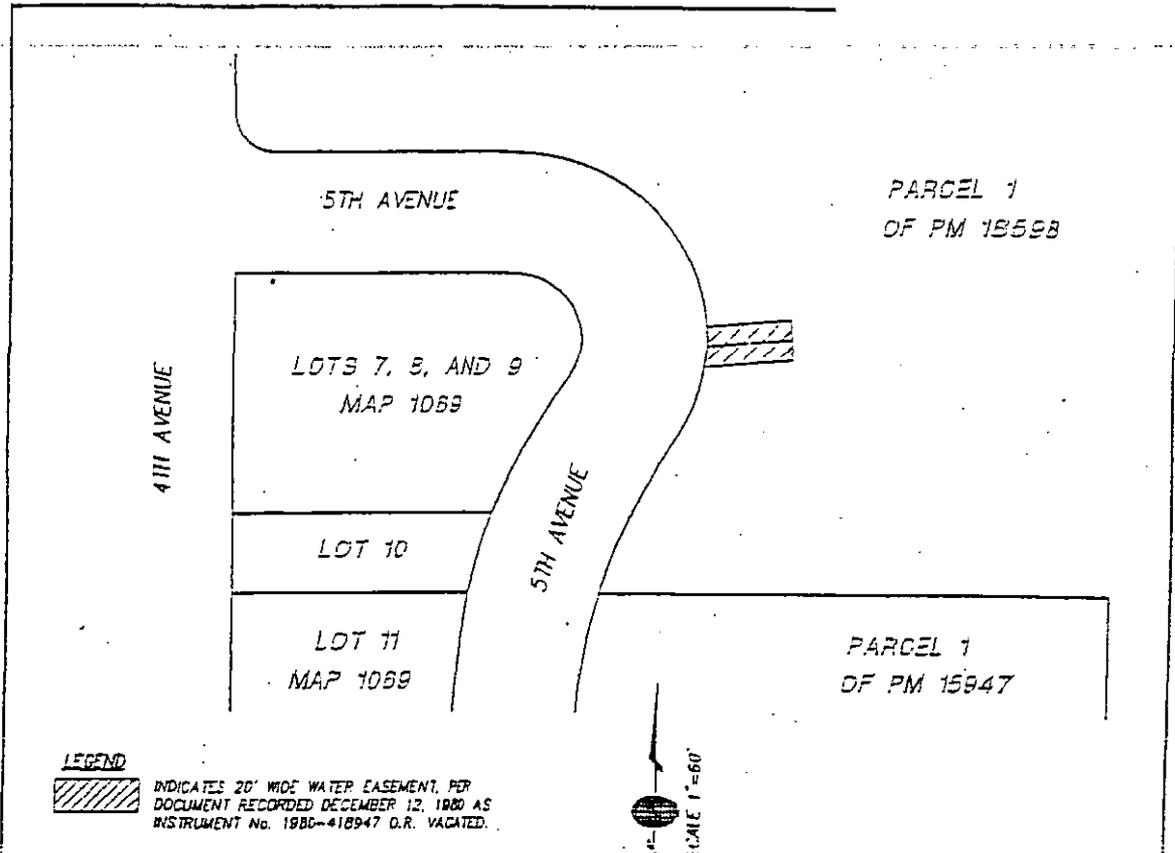


3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20650-B

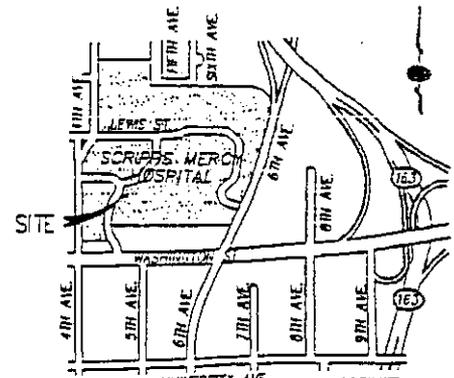
000199

EXHIBIT 'B'



LEGEND
 INDICATES 20' WIDE WATER EASEMENT, PER DOCUMENT RECORDED DECEMBER 12, 1980 AS INSTRUMENT No. 1980-418947 O.R. VACATED.

REFERENCE DRAWING
 PM 12598, 14925-B



Latitude 33
 Planning and Engineering

4833 Paramount Drive, Second Floor
 San Diego, CA 92123
 858-751-0839 Fax 858-751-0834



M:\600\608\00\COPY\2-SHEETS\808-VTR ESM VACATION.dwg 1/8/2008 3:16:14 PM PST

10
11
12
13

Clifford John Eardensohn 2/29/08
 C. JOHN EARDENSOHN L.S. 5278 DATE
 REGISTRATION EXPIRES 12-31-09

WATER EASMENT VACATION
 IN PARCEL 1 OF PM 18598

DESCRIPTION	BY	APPROVED DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS	PTS NO. 64392
ORIGINAL	LAT33				J.O. NO. 626037
	AEA	2-12-08		FOR CITY ENGINEER	DATE
					1854-6270 CGS 83 COORDINATES
					214-1719 LAMBERT COORDINATES
					20650-B

000200

RECORDING REQUESTED BY:

THE CITY OF SAN DIEGO

AND WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF SAN DIEGO
MAIL STATION 2A

Originating Dept - DSD/LDR - M.S. 501

(THIS SPACE FOR RECORDER'S USE ONLY)

GRANT DEED - PUBLIC STREET EASEMENT

J.O. NO: 425937

ASSESSOR'S PARCEL NO: 444-710-25, 444-531-34, 13 & 31

PTS NO: 94392

DWG NO: 20642-B

NO DOCUMENT TAX DUE
R & T CODE 11922

NO FEE FOR GOVT. AGENCY
GOVERNMENT CODE 27383

For valuable consideration, receipt of which is hereby acknowledged, Scripts Health, A California Non-Profit Public Benefit Group

HEREBY GRANT(S) AND DEDICATES to public use, to the City of San Diego, a municipal corporation, in the County of San Diego, State of California, a permanent easement and right-of-way for public street and incidents and appurtenances thereto, over, under, along and across all that real property situated in the City of San Diego, County of San Diego, State of California described as follows:

See exhibit "A" attached hereto and exhibit "B" attached hereto for illustration purposes.

Date: March 11, 2008

Date: _____

Grantor: *John E. Armstrong*

Grantor: _____

By: John E. ARMSTRONG
(type or print name)

By: _____

This is to certify that the interest in real property conveyed by this instrument to the City of San Diego, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City of San Diego, pursuant to authority conferred by the Municipal Code, and the grantee consents to recordation thereof by its duly authorized officer.

Date: MAR 2008

For City Engineer

By: *John E. Dopper*

NOTE: NOTARY ACKNOWLEDGMENTS FOR ALL SIGNATURES MUST BE ATTACHED, PER CIVIL CODE SEC. 1180 ET. SEQ.

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.

000201

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

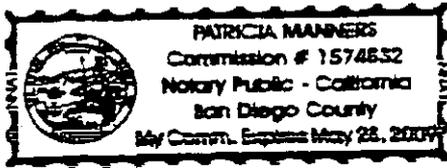
On March 11, 2008 before me, Patricia Manners, Notary Public

Date

Here insert Name and Title of the Officer

personally appeared John E. Armstrong

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Grant Deed - Public Street Easement

Document Date: March 11, 2008

Number of Pages: 14

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: John E. Armstrong

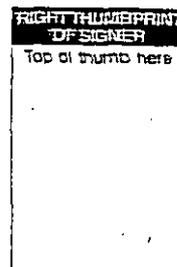
- Individual
- Corporate Officer — Title(s): Vice President
- Partner — Limited General Management
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: Scripps Health

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

000202

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On MARCH 14, 2008 before me, Phillip D. Hill, Notary Public

Date

Here insert Name and Title of the Officer

personally appeared ANNE L. HOPPE

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

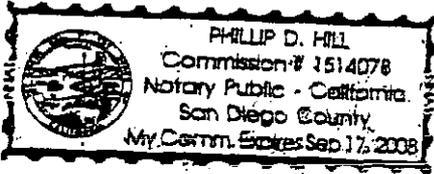
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Phillip D. Hill

Signature of Notary Public

Place Notary Seal Above



OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: GRANT DEED - PUBLIC STREET EASEMENT: SCRIPPS HEALTH

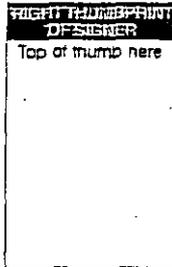
Document Date: _____ Number of Pages: 14

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

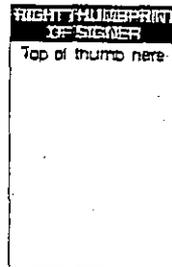
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, California Streets and Highways Code 8300 et seq. (and specifically Sections 8333 and 8335), and San Diego Municipal Code Section 125.1010(c) provides a procedure for the summary abandonment or vacation of public service easements by City Council resolution where the easement to be abandoned has been superseded by relocation and there are no active public facilities located within the easement; and

WHEREAS, the affected property owner has requested the summary abandonment of a storm drain easement on Parcel "1" of Parcel Map No. 18598, recorded on _____ as Document No. _____ O.R. as depicted on Engineering Drawing No. 20649-B. Said storm drain easement is located in the Uptown Community Plan area; and

WHEREAS, the storm drain easement does not contain active public utility facilities that would be affected by the abandonment; and

WHEREAS, the storm drain easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use for the storm drain easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, the public facility or purpose for which the storm drain easement was originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, the affected property owner has requested the summary abandonment of a public utility easement on Parcel "1" of Parcel Map No. 18598, recorded on _____ as Document No. _____, O.R. as depicted on Engineering Drawing No. 20646-B. Said public utility easement is located in the Uptown Community Plan area; and

WHEREAS, the public utility easement does not contain active public utility facilities that would be affected by the abandonment; and

WHEREAS, the public utility easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use for the public utility easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, the public facility or purpose for which the public utility easement was originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, the affected property owner has requested the summary abandonment of a sewer easement on Parcel "1" of Parcel Map No. 18598, recorded on _____ as Document No. _____ O.R. as depicted on Engineering Drawing No. 20645-B. Said sewer easement is located in the Uptown Community Plan area; and

WHEREAS, the sewer easement does not contain public utility facilities; and

WHEREAS, the sewer easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use for the sewer easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, the public facility or purpose for which the sewer easement was originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, the affected property owner has requested the summary abandonment of two sewer easements on Parcel "1" of Parcel Map No. 18598, recorded on _____ as Document No. _____ O.R. as depicted on Engineering Drawing No. 20647-B. Said sewer easements are located in the Uptown Community Plan area; and

WHEREAS, the two sewer easements do not contain public utility facilities; and

WHEREAS, the two sewer easements have not been used for the purpose for which they were dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use for the two sewer easements, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, the public facility or purpose for which the sewer easements were originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, the affected property owner has requested the summary abandonment of a water easement on Parcel "1" of Parcel Map No. 18598, recorded on DATE as Document No. ADD O.R. as depicted on Engineering Drawing No. 20650-B. Said sewer easements are located in the Uptown Community Plan area; and

WHEREAS, the water easement does not active public utility facilities that would be affected by the abandonment; and

WHEREAS, the water easement has been superseded by relocation as shown on Engineering Drawing No. _____-D, attached as Exhibit "A" hereto, and there are no other public facilities located within the easement; and

WHEREAS, and there is no present or prospective public use of the existing easements, either for the facility or purpose for which they were originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, the public will benefit from the action through improved utilization of the land made available by the abandonments, and

WHEREAS, the abandonments are consistent with the Uptown Community Plan and Progress Guide and General Plan; and

WHEREAS, the public facility or purpose for which the easements were originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, on April 3, 2007, the Uptown Planners Committee voted to recommend approval of the project with specific recommendations which have been incorporated into the project and are fully discussed in Planning Commission Report No. PC-08-040; and

WHEREAS, on April 3, 2008, the Planning Commission approved the proposed project; and

WHEREAS, under Charter Section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the

decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, Council of the City of San Diego finds that for the _____ easements:

- (a) There is no present or prospective public use for the easements, either for the facility or purpose for which they were originally acquired or for any other public use of a like nature that can be anticipated; and
- (b) The public will benefit from the action through improved utilization of the land made available by the abandonments; and
- (c) The abandonment are consistent with any applicable land use plan; and,
- (d) The public facility or purpose for which the easements were originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easements were acquired no longer exists; and,

BE IT FURTHER RESOLVED, the Council of the City of San Diego finds:

1. That the storm drain easement, located within Parcel "1" of Parcel Map No. 18598, recorded on DATE as Document No. ADD O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20649-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR-_____, and RR-_____ which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

2. That the public utility easement, located within Parcel "1" of Parcel Map No. 18598, recorded on _____ as Document No. _____ O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20646-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR-_____, and RR-_____ which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

3. That the one sewer easement, located within Parcel "1" of Parcel Map No. 18598, recorded on _____ as Document No. _____ O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20645-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR-_____, and RR-_____ which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

4. That the two sewer easements, located within Parcel "1" of Parcel Map No. 18598, recorded on _____ as Document No. _____ O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20647-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR-_____, and RR-_____ which are by this reference incorporated herein and made a part hereof, are ordered summarily abandoned.

5. That the water easement, located within Parcel "1" of Parcel Map No. 18598, recorded on _____ as Document No. _____ O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20650-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR-_____, and

RR-_____ which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

6. That the City Clerk shall cause a certified copy of this Resolution, with attached Exhibits, attested by her under Seal, to be recorded in the Office of the County Recorder. From and after the date of recordation of this Resolution, the abandoned public service easements shall no longer constitute public service easements. Upon such recordation, the summary abandonments are complete.

7. That the above findings are supported by the minutes, maps, and exhibits, all of which are hereby incorporated by reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Rachel C. Lipsky
Deputy City Attorney

RL:mm

05/02/08

Or.Dept:DSD

R-2008-1014

MMS #6208

EXHIBIT "A"

LEGAL DESCRIPTION
STREET VACATION

THAT PORTION OF FIFTH AVENUE (FORMERLY FIFTH STREET), MONTECITO WAY (FORMERLY BROADWAY STREET) AND SIXTH AVENUE (FORMERLY SIXTH STREET), OF FIFTH STREET ADDITION, ACCORDING TO MAP THEREOF NO. 577, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 10, 1889, AND THAT PORTION OF SIXTH AVENUE (FORMERLY SIXTH STREET) OF FLEISCHER'S ADDITION, ACCORDING TO MAP THEREOF NO 811, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 4, 1806, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 12, IN BLOCK 2 OF SAID MAP NO. 577; THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 2,

1. NORTH 00°08'40" WEST 93.58 FEET; THENCE LEAVING THE WESTERLY LINE OF SAID BLOCK 2
2. SOUTH 89°51'20" WEST 40.00 FEET SAID POINT BEING ON THE CENTERLINE OF FIFTH AVENUE; THENCE ALONG THE CENTER LINE OF FIFTH AVENUE; THENCE
3. NORTH 00°08'40" WEST 10.00 FEET; THENCE LEAVING SAID CENTERLINE
4. SOUTH 89°50'05" WEST 40.00 FEET TO A POINT LYING ON THE WESTERLY LINE OF FIFTH AVENUE; THENCE ALONG SAID WESTERLY LINE
5. SOUTH 00°08'40" EAST 153.42 FEET TO THE INTERSECTION OF THE WESTERLY LINE OF FIFTH AVENUE AND THE SOUTHERLY LINE OF MONTECITO WAY; THENCE ALONG SAID SOUTHERLY LINE
6. NORTH 89°57'29" EAST 325.08 FEET TO THE INTERSECTION OF THE SOUTHERLY LINE OF MONTECITO WAY WITH THE EASTERLY LINE OF SIXTH AVENUE; THENCE ALONG SAID EASTERLY LINE
7. NORTH 00°25'08" WEST 25.81 FEET; TO THE INTERSECTION OF THE EASTERLY LINE OF SIXTH AVENUE WITH THE CENTERLINE OF MONTECITO WAY; THENCE CONTINUING ALONG THE EASTERLY LINE OF SIXTH AVENUE

000212

- 8. NORTH 00°04'53" EAST 119.29 FEET; THENCE LEAVING SAID EASTERLY LINE
- 9. SOUTH 89°54'48" WEST 45.28 FEET; TO A POINT LYING ON THE WESTERLY LINE OF SIXTH AVENUE; THENCE ALONG SAID WESTERLY LINE
- 10. SOUTH 00°05'12" EAST 95.06 FEET TO THE INTERSECTION OF THE WESTERLY LINE OF SIXTH AVENUE AND THE NORTHERLY LINE OF MONTECITO WAY; THENCE ALONG SAID NORTHERLY LINE
- 11. SOUTH 89°57'29" WEST 200.05 FEET TO THE POINT OF COMMENCEMENT

RESERVING THEREFROM A GENERAL UTILITIES AND ACCESS EASEMENT OVER THE EASTERLY 40.00 FEET OF SAID VACATED PORTION OF FIFTH AVENUE AND MONTECITO WAY LYING NORTH OF THE CENTERLINE OF MONTECITO WAY.

ALSO RESERVING THEREFROM A 20.00 FOOT WIDE BUILDING RESTRICTED EASEMENT OVER THE WESTERLY 20.00 FEET OF THE EASTERLY 40.00 FEET OF SAID VACATED PORTION OF FIFTH AVENUE AND MONTECITO WAY LYING NORTH OF THE CENTERLINE OF MONTECITO WAY.

ATTACHED HERETO IS DRAWING NO. 20644-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.

CONTAINS AN AREA OF 28,423 SQUARE FEET MORE OR LESS.



John Eardensohn, L.S. 5278
My Registration Expires 12-31-09

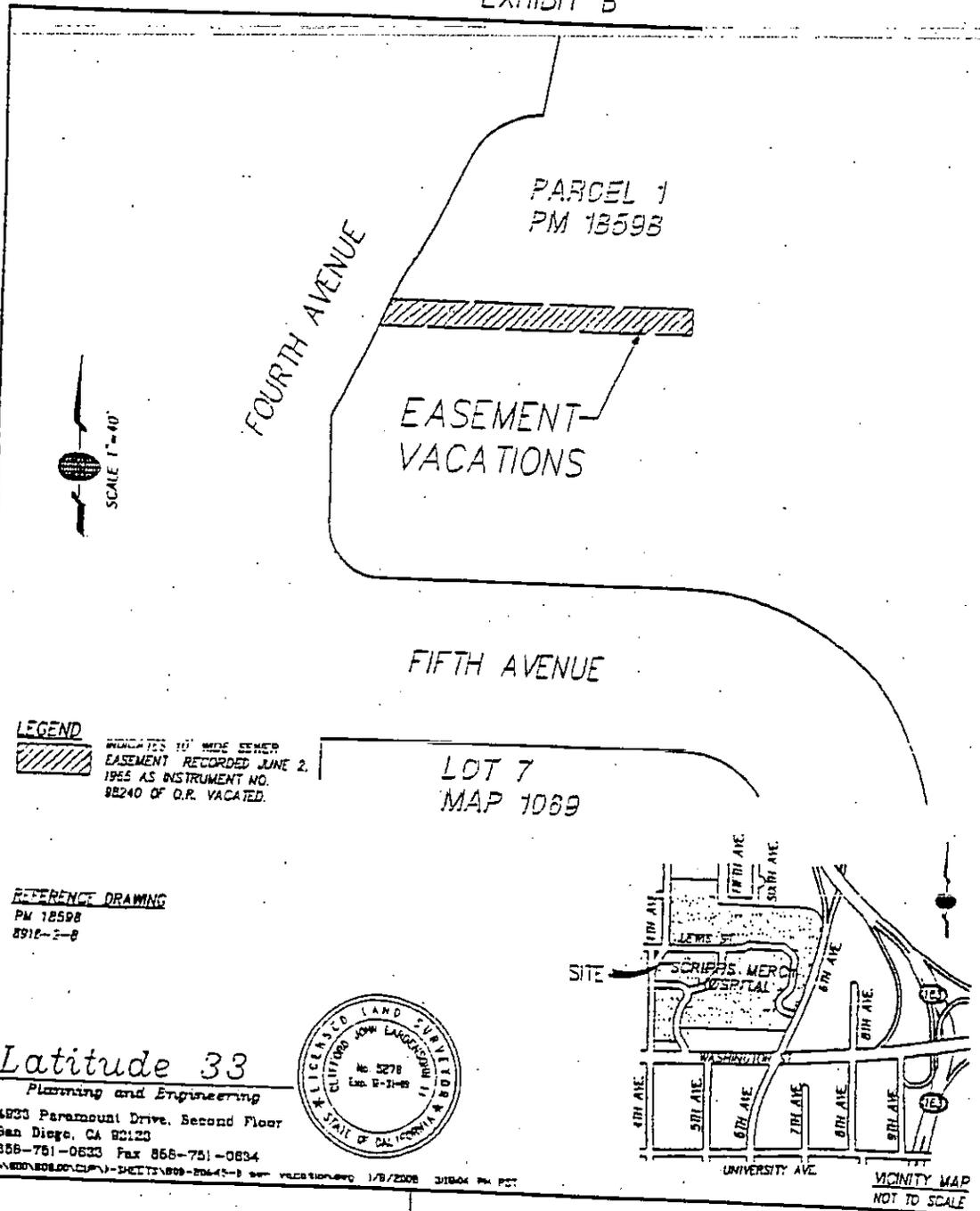


3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20644-B

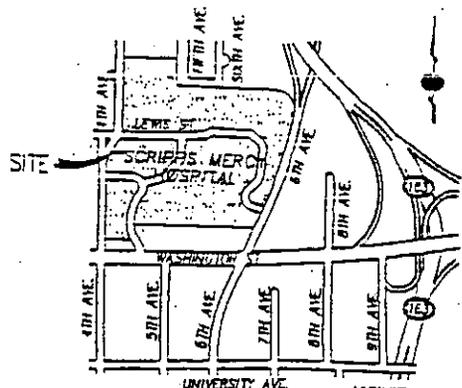
000214

EXHIBIT 'B'



LEGEND
 [Hatched Box] INDICATES 10' WIDE SEWER EASEMENT RECORDED JUNE 2, 1965 AS INSTRUMENT NO. 88240 OF O.R. VACATED.

REFERENCE DRAWING
 PM 18598
 8916-2-8



Latitude 33
 Planning and Engineering
 4833 Paramount Drive, Second Floor
 San Diego, CA 92123
 858-751-0633 Fax 858-751-0634



DATE PLOTTED: 1/8/2008 3:00PM PST

John Eardensorn
 C. JOHN EARDENSORN L.S. 5278 DATE
 REGISTRATION EXPIRES 12-31-09

SEWER EASEMENT VACATION
 IN PARCEL 1 OF PM 18598

DESCRIPTION	BY	APPROVED DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS		P.T.S. NO. 84392
ORIGINAL	LAT33			FOR CITY ENGINEER	DATE	1254-5278
	AEA	1-2-08				SDS '83 COORDINATES
						214-1719
						LAMBERT COORDINATES
						20645-B

000215

EXHIBIT "A"

LEGAL DESCRIPTION
SEWER EASEMENT VACATION

ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED JUNE 2, 1965, AS INSTRUMENT NO. 98240, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20645-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.



C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09



8/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20645-B

000216

EXHIBIT "A"

LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT VACATION

THAT PORTION OF THE PUBLIC UTILITY EASEMENT RESERVED FROM THE VACATED PORTION OF MONTECITO WAY PER DOCUMENT RECORDED FEBRUARY 7, 1979 AT FILE/PAGE 1979-058862 OFFICIAL RECORDS IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20646-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.



Clifford John Eardensohn, L.S. 5278
My Registration Expires 12-31-09

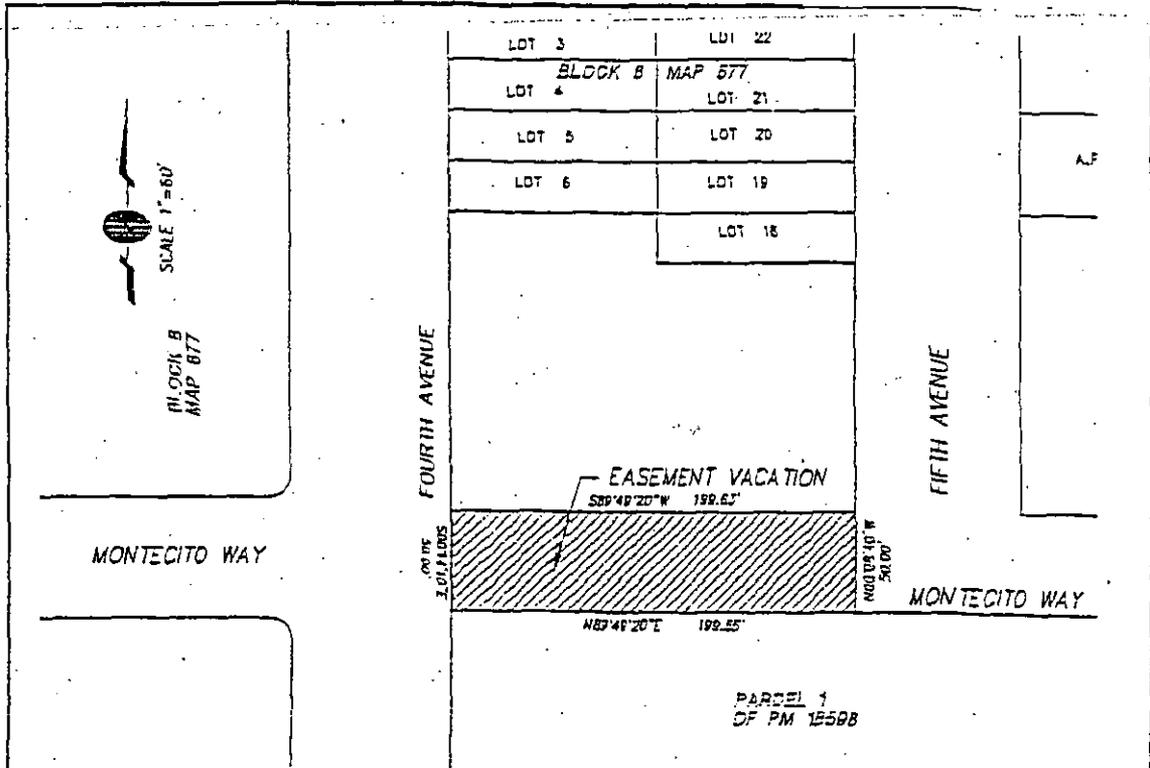


3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20646-B

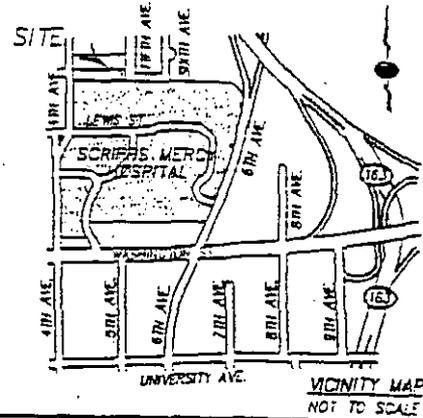
000217

EXHIBIT 'B'



LEGEND
 INDICATES PUBLIC UTILITIES EASEMENT RESERVED PER DOCUMENT RECORDED FEB. 7, 1979 AS INSTRUMENT NO. 79-058862 O.R. VACATED.

REFERENCE DRAWING
 PM 12598, 14391-B



Latitude 33

Planning and Engineering

4823 Paramount Drive, Second Floor
 San Diego, CA 92123
 856-751-0823 Fax 856-751-0834



MAP NO. 12598, 14391-B SHEET 1 OF 1 RESERVATION VACATION DATE 1/8/2008 4:00:10 PM PST

Clifford John Langsdorf
 C. JOHN EARDENSOHN - L.S. 5278 DATE
 REGISTRATION EXPIRES 12-31-09

PUBLIC UTILITIES EASEMENT VACATION

IN PARCEL 1 OF P.M. No. 12598

DESCRIPTION	BY	APPROVED DATE	FILM#	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS		P.T.S. 24397
ORIGINAL	LAT33					J.C. NO. 275037
	A.E.A.	5-12-08				1962-5279 DCS 83 COORDINATES
				FOR CITY ENGINEER	DATE	714-1719 LAMBERT COORDINATES
						20645-B

000218

EXHIBIT "A"

LEGAL DESCRIPTION
SEWER EASEMENT VACATION

ALL THAT PORTION OF THE 6.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED DECEMBER 13, 1928 IN BOOK 1564 OF DEEDS, PAGE 151 OF OFFICIAL RECORDS, AND ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED JUNE 23, 1960 AS INSTRUMENT NUMBER 128282 OF OFFICIAL RECORDS, LOCATED IN PARCEL 1 OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20647-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.



C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09



3/10/08

DATE

FILE: PTS 94392
WO 425937
DRAWING 20647-B

000219

EXHIBIT 'B'

PARCEL 1
PM 18598

NAP
LOT 10 - MAP 4444

SIXTH AVENUE EXTENSION

SCALE 1"=60'

LEGEND

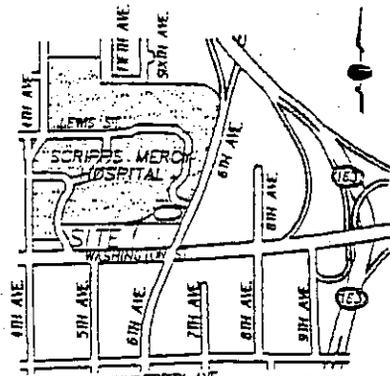


INDICATES 6' WIDE SEWER EASEMENT, PER DOCUMENT RECORDED DECEMBER 13, 1928 IN BOOK 1564 OF DEEDS, PAGE 151 D.P., VACATED.



INDICATES 10' WIDE SEWER EASEMENT, PER DOCUMENT RECORDED JUNE 23, 1960 AS INSTRUMENT NO. 128282, VACATED.

REFERENCE DRAWING
PM 18598



VICINITY MAP
NOT TO SCALE

Latitude 33

Planning and Engineering

4933 Paramount Drive, Second Floor
San Diego, CA 92123
858-751-0623 Fax 858-751-0634



H:\800\808\00\CUPLE-SHEETS\808-SEWER ESM VACATION - ITEM 5 AND 10.dwg 1/8/2008 3:17:05 PM PST

John Eardensohn

2/19/08

C. JOHN EARDENSOHN L.S. 5278 DATE
REGISTRATION EXPIRES 12-31-09

SEWER EASEMENT VACATIONS

IN PARCEL 1 OF PM 18598

DESCRIPTION	BY	APPROVED DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS		PTS NO. 84382
ORIGINAL	LAT33					J.D. NO. 425937
	AEA	3-22-08		FOR CITY ENGINEER _____ DATE _____		1854-5278 SEE BS COORDINATES
						214-1719 LAMBERT COORDINATES
						20647-B

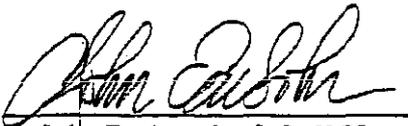
000220

EXHIBIT "A"

LEGAL DESCRIPTION
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ATTACHED HERETO IS DRAWING NO. 20649-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.


C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09



3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20649-B

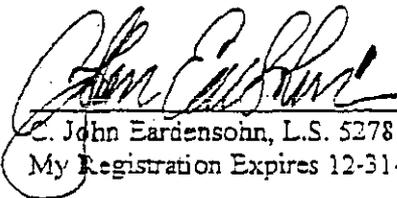
000222

EXHIBIT "A"

LEGAL DESCRIPTION
WATER EASEMENT VACATION

ALL THAT PORTION OF THE 20.00 FOOT WIDE WATER EASEMENT AS GRANTED PER DOCUMENT RECORDED DECEMBER 12, 1980. AS INSTRUMENT NO 1980-418947 OF OFFICIAL RECORDS, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20650-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.


Cliff Eardenson, L.S. 5278
My Registration Expires 12-31-09

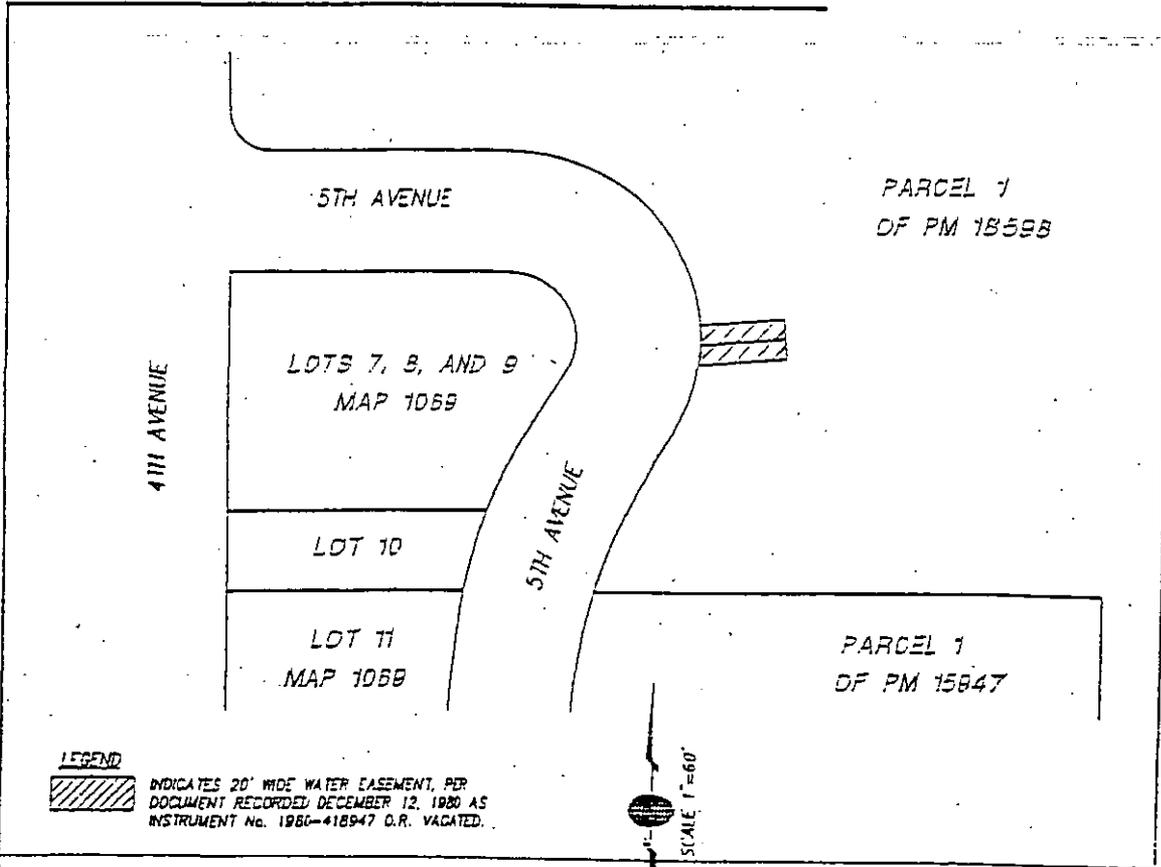


3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20650-B

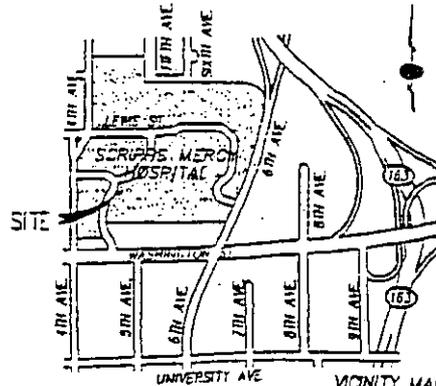
000223

EXHIBIT 'B'



LEGEND
 INDICATES 20' WIDE WATER EASEMENT, PER DOCUMENT RECORDED DECEMBER 12, 1980 AS INSTRUMENT No. 1980-418947 O.R. VACATED.

REFERENCE DRAWING
 PM 18598, 14982-B



VICINITY MAP
 NOT TO SCALE

Latitude 33

Planning and Engineering

4833 Paramount Drive, Second Floor
 San Diego, CA 92123
 858-751-0833 Fax 858-751-0834



MAPS/BOULEVARD/2-SHEETS/108-VTR/ENR/VACATION/1/8/2008 3:16:14 PM PST

John Eardensohn *clerk*
 C. JOHN EARDENSOHN L.S. 5278 DATE
 REGISTRATION EXPIRES 12-31-09

WATER EASEMENT VACATION
 IN PARCEL 1 OF PM 18598

DESCRIPTION	BY	APPROVED DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS		PTE NO. 04307
ORIGINAL	LAT33					J.O. NO. 425037
	A.E.A.	2-12-08				1858-2270 ECS '83 COORDINATES
				FOR CITY ENGINEER	DATE	214-1718 LAMBERT COORDINATES
						20650-B

000224

RECORDING REQUESTED BY:

THE CITY OF SAN DIEGO

AND WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF SAN DIEGO
MAIL STATION 2A

Originating Dept - DSD/LDR - M.S. 501

(THIS SPACE FOR RECORDER'S USE ONLY)

GRANT DEED - PUBLIC STREET EASEMENT

J.O. NO: 425937

ASSESSOR'S PARCEL NO: 444-710-25, 444-531-34, 13 & 31

PTS NO: 94392

DWG NO: 20642-B

NO DOCUMENT TAX DUE
R & T CODE 11B22

NO FEE FOR GOVT. AGENCY
GOVERNMENT CODE 27363

For valuable consideration, receipt of which is hereby acknowledged, Scriptus Health, A California Non-Profit Public Benefit Group

HEREBY GRANT(S) AND DEDICATES to public use, to the City of San Diego, a municipal corporation, in the County of San Diego, State of California, a permanent easement and right-of-way for public street and incidents and appurtenances thereto, over, under, along and across all that real property situated in the City of San Diego, County of San Diego, State of California described as follows:

See exhibit "A" attached hereto and exhibit "B" attached hereto for illustration purposes.

Date: March 11, 2008
Grantor: *John E. Armstrong*
By: John E. Armstrong
(type or print name)

Date: _____
Grantor: _____
By: _____

This is to certify that the interest in real property conveyed by this instrument to the City of San Diego, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City of San Diego, pursuant to authority conferred by the Municipal Code, and the grantee consents to recordation thereof by its duly authorized officer.

Date: 11 MAR 2008
For City Engineer
By: *John E. Doppe*

NOTE: NOTARY ACKNOWLEDGMENTS FOR ALL SIGNATURES MUST BE ATTACHED, PER CIVIL CODE SEC. 1180 ET. SEQ.

000225

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

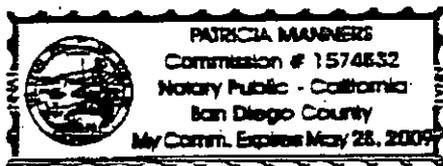
State of California

County of San Diego

On March 11, 2008 before me, Patricia Manners, Notary Public
Date here insert Name and Title of the Officer

personally appeared John E. Armstrong
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patricia Manners
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Grant Deed - Public Street Easement

Document Date: March 11, 2008 Number of Pages: 14

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: John E. Armstrong

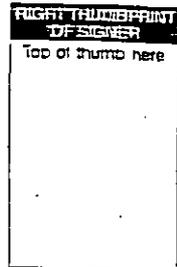
- Individual Vice President
- Corporate Officer — Title(s): Supply Chain Management
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: Scripps Health

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

000226

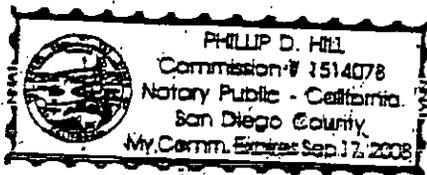
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On MARCH 14, 2008 before me, Phillip D. Hill, Notary Public
Date Here insert Name and Title of the Officer

personally appeared ANNE L. HOPPE
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Phillip D. Hill
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: GRANT DEED - PUBLIC STREET EASEMENT: SCRIPPS HEALTH

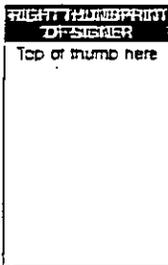
Document Date: _____ Number of Pages: 14

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

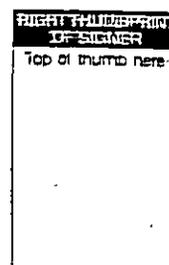
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, on May 16, 2006, Scripps Mercy, a California Non-Profit Benefit Corporation, submitted an application to the City of San Diego for Amendments to the Progress Guide, General Plan, and Uptown Community Plan No. 333363, Rezone No. 525271, Site Development Permit No. 531932/Conditional Use Permit Amendment No. 304755, and Summary Public Right-of-Way Vacation Nos. 525320, 525326, Public Right-of-Way Dedication Nos. 525322, and 525327, Easement Dedication No. 525329, Summary Easement Vacation Nos. 525323, 525331, 525330, 525324 and, 525332 for the Scripps Mercy Hospital Project [Project]; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on _____; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 94392, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with this project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the County Clerk for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Rachel Lipsky
Deputy City Attorney

RL:mm
05/01/08
Or.Dept:DSD
R-2008-1015
MMS#6208

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
SCRIPPS MERCY, A CALIFORNIA NON-PROFIT BENEFIT CORPORATION
Project No. 94392

Amendments to Progress Guide, General Plan, and Uptown Community Plan No. 333363, Rezone No. 525271, Site Development Permit No. 531932, Conditional Use Permit Amendment No. 304755, Summary Public Right-of-Way Vacation Nos. 525320, 525326, Public Right-of-Way Dedication Nos. 525322, 525327, Easement Dedication No. 525329, Summary Easement Vacation Nos. 525323, 525331, 525330, 525324, 525332

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No.94392) shall be made conditions of Amendments to Progress Guide, General Plan, and Uptown Community Plan No. 333363, Rezone No. 525271, Site Development Permit No. 531932, Conditional Use Permit Amendment No. 304755, Summary Public Right-of-Way Vacation Nos. 525320, 525326, Public Right-of-Way Dedication Nos. 525322, 525327, Easement Dedication No. 525329, Summary Easement Vacation Nos. 525323, 525331, 525330, 525324, 525332 as may be further described below.

Biological Resources

A letter of verification to the Assistant Deputy Director of the Land Development Review Division stating that a qualified biologist has been retained to implement the following mitigation measures shall be submitted prior to the granting of a grading permit.

The Scripps Mercy Hospital Project site has a potential to support nests and nesting raptors. Compliance with the Migratory Bird Treaty Act/ Section 3503 would preclude the potential for direct impacts.

If there is a potential for direct noise impacts to nesting raptors, prior to any grading or vegetation removal within the development area during the raptor breeding season (February 1 through September 15), the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey would be conducted and no construction would be allowed within 300 or 500 feet of any identified nest(s) (depending on type of avian species) until the young had fledged. Should the biologist determine that raptors are nesting; an active nest shall not be removed until after the breeding season.

000230

Prior to the issuance of any grading permit the Assistant Deputy Director of the Land Development Review Division shall verify that the project requirements regarding nesting raptors are shown on the construction plans.

Paleontological Resources

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to the Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. At least thirty days prior to the Precon meeting, The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

000231

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17 inches) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The Monitor shall be present full time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the MMC and RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert construction activities in the area of discovery to allow recovery of fossil remains and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground

disturbing activities in the area of discovery will be allowed to resume.

- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

- 1. If night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the pre-con meeting.

2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night work, the PI shall record the information on the CSVN and submit to MMC via the RE by fax by 9am the following morning 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the following morning of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report prepared in accordance with the City of San Diego Paleontology Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approve within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum. The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the PI shall contact LDR to suggest an alternative disposition of the fossil collection. MMC shall be notified in writing of the situation and resolution.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC, which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics), within 90 days after notification from MMC that the draft report has been approved.
2. The grading bond for this project will not be released unless the Final Monitoring Report has been submitted and accepted by MMC for approval.
3. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Scripps Health, a California Non-Profit Benefit Corporation, Owner/Permittee, filed an application with the City of San Diego for a permit for the construction of a central energy plant, expansion of the emergency department, construction of two surface parking lots, demolish existing structures and construction of a six level parking structure, and a rezone of the site by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 304755 and 531932, on portions of a 19.25-acre site; and

WHEREAS, the project site is located between Washington Street, 4th Avenue, 6th Avenue and Arbor Drive at 4077 5th Avenue in the NP-1 zone and the MR-800B zone of the Mid-City Communities Planned District, the RS-1-4 zone, the Airport Environs Overlay Zone, the FAA Notification Area for Lindbergh Field, and the Transit Area Overlay Zone within the Uptown Community Plan area; and

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map 8543, Map No. 1069; Lot 11 in Block 3 of Hillcrest, Map No. 1024; Lots 7 through 9 and a portion of Lot 28, Block 3 of Hillcrest, Map No. 1024; a portion of the alley within Block 3 and a portion of Lot 2 of Mercy Subdivision, Map No. 5252, and a portion of the alley between Lot 2 and Lot 7, Lots 36 through 53, and Lots 74 through 91, and Lot 36A in Block 1, Lots 37A and 38A in Block 3 of D.B. Williams Subdivision of Lots 35, 36, and a portion of Lots 47 and 50 of Fleishers Addition, Map No. 855; and

able to find space in the existing parking structure more easily. Furthermore, the addition of new accessible parking spaces close to the hospital entrance will improve the efficiency of the traffic flow around the hospital.

Another objective of the Community Plan is to preserve the vegetated canyons surrounding the medical complex area. Scripps Mercy Hospital and its accessory buildings are located above a small canyon that is designated open space. A portion of the property designated as open space was actually developed prior to the application of the open space designation. As part of the project, Scripps Mercy Hospital has asked the City to amend the Community Plan to remove the open space designation from those areas erroneously designated. A small portion of the new parking structure will encroach on undeveloped land designated as open space. The Community Plan amendment will remove the open space designation from that portion of the site. In exchange, Scripps Mercy will designate additional land in the canyon exceeding the square footage of the land from which the open space designation will be removed. In addition, Scripps Mercy has agreed to rezone the designated open space area to an open space zone and place an open space easement over those portions of canyon that they own. The project will therefore not adversely affect the Uptown Community Plan and will actually cause the property to be more in keeping with the intent of the Community Plan.

A recommendation of the Community Plan is to improve the appearance of the existing hospital facilities through the use of screening and architectural design. The façade of the new parking structure has been architecturally enhanced and landscaped, making it a positive addition to the neighborhood from an aesthetic perspective. Landscaping will also be enhanced with additional plantings on the east side of the campus as viewed from 6th Avenue. By meeting the objectives and recommendations of the Community Plan, the project will not adversely affect the plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The addition to the emergency department will improve the ability of Scripps Mercy Hospital to serve the health needs of the community. In addition, the increase in the number of parking spaces on site will improve the parking situation in the neighborhood. Currently, the site lacks sufficient parking to accommodate patients, visitors, and hospital personnel. The neighborhood is impacted by drivers circling the site looking for available parking. The addition of a large parking structure for medical staff will improve the existing condition. The addition of handicap accessible spaces will also improve service to

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patients. The new central energy plant will consolidate and modernize an aging plant with state of the art technology that will improve energy efficiency.

A Mitigated Negative Declaration was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of paleontology and biology. Implementation of the Mitigation, Monitoring and Reporting Program would require paleontological monitoring during grading and excavation that would reduce potential impacts to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The project will not therefore be detrimental to the public health, safety and welfare, but will improve the general well being of the community.

3. **The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The proposed project complies with all applicable development regulations of the CN-1A and the NP-1 Zones of the Mid-City Communities Planned District, except for the two proposed deviations, which are allowed through the Site Development Permit process and in accordance with the Mid-City Communities Planned District. The deviations requested by the applicant are as follows:

- a. *Setbacks:* In the CN-1A zone there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines. The proposed project, if rezoned, would require a street wall within 6 feet of the property line along the frontage and applicable street sides. The project does not propose any street wall and requests a 100 percent deviation.
- b. In the NP-1 Zone for the surface parking lots, there shall be a minimum lot coverage of 20 percent. The two proposed surface parking lots in the NP-1 zone and will therefore have a coverage of 0%. This is a 100 percent deviation from the requirement.

When considering the project as a whole, the requested deviations are minor in scope and provides for a more attractive design than would be achieved through the strict application of the development regulations.

4. **The proposed use is appropriate at the proposed location.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood.

The project is an amendment to an existing Conditional Use Permit allowing a hospital use that is permitted in the underlying zone with a Conditional Use Permit. Furthermore, the site is specifically designated for medical uses in the Uptown Community Plan. The hospital has historically been located in this area in a neighborhood where many medical-related uses have arisen around the hospital use. Because of its central location at its proximity to the freeway, the hospital is able to accept residents from many communities that do not have their own hospital. By providing more parking and preserving the open space canyon, the project is able to better serve the community and mitigate its impacts on the immediate neighborhood and it therefore appropriate at this location.

B. Site Development Permit – San Diego Municipal Code Section 126.0504(a)

1. **The proposed development will not adversely affect the applicable land use plan.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood.

One of the objectives set forth in the Community Plan is to reduce parking impacts generated by the medical facilities. By providing additional staff and physician parking, the project will reduce the number of cars that currently circle the neighborhoods in search of parking. Visitors and patients will be able to find space in the existing parking structure more easily. Furthermore, the addition of new accessible parking spaces close to the hospital entrance will improve the efficiency of the traffic flow around the hospital.

Another objective of the Community Plan is to preserve the vegetated canyons surrounding the medical complex area. Scripps Mercy Hospital and its accessory buildings are located above a small canyon that is designated open space. A portion of the property designated as open space was actually developed prior to the application of the open space designation. As part of

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the project, Scripps Mercy Hospital has asked the City to amend the Community Plan to remove the open space designation from those areas erroneously designated. A small portion of the new parking structure will encroach on undeveloped land designated as open space. The Community Plan amendment will remove the open space designation from that portion of the site. In exchange, Scripps Mercy will designate additional land in the canyon exceeding the square footage of the land from which the open space designation will be removed. In addition, Scripps Mercy has agreed to rezone the designated open space area to an open space zone and place an open space easement over those portions of canyon that they own. The project will therefore not adversely affect the Uptown Community Plan and will actually cause the property to be more in keeping with the intent of the Community Plan.

A recommendation of the Community Plan is to improve the appearance of the existing hospital facilities through the use of screening and architectural design. The façade of the new parking structure has been architecturally enhanced and landscaped, making it a positive addition to the neighborhood from an aesthetic perspective. Landscaping will also be enhanced with additional plantings on the east side of the campus as viewed from 6th Avenue. By meeting the objectives and recommendations of the Community Plan, the project will not adversely affect the plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The addition to the emergency department will improve the ability of Scripps Mercy Hospital to serve the health needs of the community. In addition, the increase in the number of parking spaces on site will improve the parking situation in the neighborhood. Currently, the site lacks sufficient parking to accommodate patients, visitors, and hospital personnel. The neighborhood is impacted by drivers circling the site looking for available parking. The addition of a large parking structure for medical staff will improve the existing condition. The addition of handicap accessible spaces will also improve service to patients. The new central energy plant will consolidate and modernize an aging plant with state of the art technology that will improve energy efficiency.

A Mitigated Negative Declaration was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of paleontology and biology. Implementation of the Mitigation, Monitoring and Reporting Program would require

paleontological monitoring during grading and excavation that would reduce potential impacts to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The project will not therefore be detrimental to the public health, safety and welfare, but will improve the general well being of the community.

3. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The proposed project complies with all applicable development regulations of the CN-1A and the NP-1 Zones of the Mid-City Communities Planned District, except for the two proposed deviations, which are allowed through the Site Development Permit process and in accordance with the Mid-City Communities Planned District. The deviations requested by the applicant are as follows:

- a. In the CN-1A zone there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines. The proposed project, if rezoned, would require a street wall within 6 feet of the property line along the frontage and applicable street sides. The project does not propose any street wall and requests a 100 percent deviation.
- b. In the NP-1 Zone for the surface parking lots, there shall be a minimum lot coverage of 20 percent. The two proposed surface parking lots in the NP-1 zone and will therefore have a coverage of 0%. This is a 100 percent deviation from the requirement.

When considering the project as a whole, the requested deviations are minor in scope and provides for a more attractive design than would be achieved through the strict application of the development regulations.

C. MID-CITY COMMUNITIES DEVELOPMENT PERMIT - SAN DIEGO
MUNICIPAL CODE SECTION 1512.0203(d) (1-6)

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1. **The proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Uptown Community Plan.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood.

One of the objectives set forth in the Community Plan is to reduce parking impacts generated by the medical facilities. By providing additional staff and physician parking, the project will reduce the number of cars that currently circle the neighborhoods in search of parking. Visitors and patients will be able to find space in the existing parking structure more easily. Furthermore, the addition of new accessible parking spaces close to the hospital entrance will improve the efficiency of the traffic flow around the hospital.

Another objective of the Community Plan is to preserve the vegetated canyons surrounding the medical complex area. Scripps Mercy Hospital and its accessory buildings are located above a small canyon that is designated open space. A portion of the property designated as open space was actually developed prior to the application of the open space designation. As part of the project, Scripps Mercy Hospital has asked the City to amend the Community Plan to remove the open space designation from those areas erroneously designated. A small portion of the new parking structure will encroach on undeveloped land designated as open space. The Community Plan amendment will remove the open space designation from that portion of the site. In exchange, Scripps Mercy will designate additional land in the canyon exceeding the square footage of the land from which the open space designation will be removed. In addition, Scripps Mercy has agreed to rezone the designated open space area to an open space zone and place an open space easement over those portions of canyon that they own. The project will therefore not adversely affect the Uptown Community Plan and will actually cause the property to be more in keeping with the intent of the Community Plan.

A recommendation of the Community Plan is to improve the appearance of the existing hospital facilities through the use of screening and architectural design. The façade of the new parking structure has been architecturally enhanced and landscaped, making it a positive addition to the neighborhood from an aesthetic perspective. Landscaping will also be enhanced with additional plantings on the east side of the campus as viewed from 6th Avenue. By meeting the objectives and recommendations of the Community Plan, the project will not adversely affect the plan.

Therefore, the use and project design do meet the purpose and intent of the Mid-City Communities Plan District Ordinance and would not adversely affect the Uptown Community Plan.

2. **The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. Scripps Mercy is building a new parking structure therefore reducing parking impacts generated by the medical facilities on the surrounding neighborhoods. By providing additional staff and physician parking, the project will reduce the number of cars that currently circle the neighborhoods in search of parking. Visitors and patients will be able to find space in the existing parking structure more easily. Furthermore, the addition of new accessible parking spaces close to the hospital entrance will improve the efficiency of the traffic flow around the hospital.

The parking structure includes an open roof design with approximately twelve trellises, concrete, stone veneer and stainless steel materials, as well as a contemporary glass architectural element and a green screen to provide visual interest at a pedestrian friendly scale. A green screen panel is included for three floors on the north elevation of the structure. This green screen would compliment the proposed private fire lane north of the structure, which would connect Fourth and Fifth Avenue and provide Fire Department access as well as a landscape buffer to the residential properties to the north. Therefore, the proposed project would achieve architectural harmony with the surrounding neighborhood and community to the extent possible.

3. **The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The addition to the emergency department will improve the ability of Scripps Mercy Hospital to serve the health needs of the community. In addition, the increase in the number of parking spaces on site will improve the parking situation in the neighborhood. Currently, the site lacks sufficient parking to accommodate patients, visitors, and hospital personnel. The neighborhood is impacted by drivers circling the site looking for available parking. The addition of a large parking structure for medical staff will improve the

existing condition. The addition of handicap accessible spaces will also improve service to patients. The new central energy plant will consolidate and modernize an aging plant with state of the art technology that will improve energy efficiency.

A Mitigated Negative Declaration was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of paleontology and biology. Implementation of the Mitigation, Monitoring and Reporting Program would require paleontological monitoring during grading and excavation that would reduce potential impacts to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The project will not therefore be detrimental to the public health, safety and welfare, but will improve the general well being of the community.

4. **Adequate Public Facilities (Park deficient neighborhoods).** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy and is not located in a park deficient neighborhood, therefore, this finding does not apply to this project. The Mid-City Communities Planned District identifies facility deficient neighborhoods as those neighborhoods that are shown on Map No. B-4104. The Central Urbanized Planned District now incorporates all neighborhoods that are shown on Map No. B-4101 and those neighborhoods are no longer within the Mid-City Communities Planned District.
5. **Adequate Lighting.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy and has been conditioned to conform with all current street lighting standards according to the adopted City of San Diego Street Design Manual and Council Policy 200-18. Implementation and review of these requirements will occur during the construction permit stage of this project.
6. **The proposed use will comply with the relevant regulations in the San Diego Municipal Code.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy. The proposed project complies with all applicable development regulations of the CN-1A and the NP-1 Zones of the Mid-City Communities Planned District, except for the two proposed deviations, which are allowed through the Site Development Permit process and in accordance

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with the Mid-City Communities Planned District. The deviations requested by the applicant are as follows:

- a. In the CN-1A zone there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines. The proposed project, if rezoned, would require a street wall within 6 feet of the property line along the frontage and applicable street sides. The project does not propose any street wall and requests a 100 percent deviation.
- b. In the NP-1 Zone for the surface parking lots, there shall be a minimum lot coverage of 20 percent. The two proposed surface parking lots in the NP-1 zone and will therefore have a coverage of 0%. This is a 100 percent deviation from the requirement.

When considering the project as a whole, the requested deviations are minor in scope and provides for a more attractive design than would be achieved through the strict application of the development regulations.

**SITE DEVELOPMENT PERMIT FOR ESL - SUPPLEMENTAL FINDINGS -
SAN DIEGO MUNICIPAL CODE SECTION 126.0504(b)**

1. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The proposed parking structure, emergency room expansion, surface parking lots and central energy plant are to be built on previous disturbed or developed land. Therefore, the applicant's project will not disturb environmentally sensitive lands. However, the City's Metropolitan Wastewater Department has required the applicant to include as a project feature a road to be constructed in a canyon on the north side of the hospital campus to access existing manholes in the canyon. The road will extend partially into the canyon and will only be 17 feet wide. Grass-concrete technology will be used for the 12 foot width of the 237 foot long road. A grass lined drainage swale of 5 feet will be constructed as part of the road. Only .01-acre of non-native grassland will be disturbed for the construction of the road. Therefore the project in its entirety will have minimal impact on environmentally sensitive lands.
2. **The proposed development will minimize the alteration of natural land**

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forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The majority of the project features will be constructed on already disturbed or developed land. The access road is designed to be as narrow and unobtrusive as possible using grass-crete technology and located so that it only disturbs .01-acre of non-native grassland. The road will be located in an area of the canyon which has generally already been disturbed. No risk of geologic or erosional forces has been identified, and there is no flood hazard. Fire hazard will be reduced because the disturbed portion of the canyon bottom will be cleared of debris in the process of constructing the road.³

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The structures to be built with the exception of the parking garage are not located adjacent to environmentally sensitive lands. The parking structure will be buffered from environmentally sensitive lands with landscaping compatible with the adjacent canyon species. The access road required by the City to be built in the canyon will only disturb .01-acre of non-native grasses. Complete avoidance is not possible because the road is to be used to access existing manholes.
4. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The project is not located within the MHPA.
5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The project is not located in the vicinity of a public beach. Best management practices established by the City are incorporated into the project. A grass-crete access road and adjacent grass

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lined swale will minimize the use of impervious surfaces, which contribute to seaward bound silt.

- 6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The alignment would impact .01-acre of non-native grassland, which is defined by the Municipal Code as a Tier IIIB habitat. These impacts are not significant due to the small acreage of impact to biological resources. Furthermore, the grass-crete would allow non-native grasses to be planted on the road alignment and a grass-lined swale next to the road would replace the segment of drainage channel disturbed by the road. Therefore, no additional biological mitigation is necessary.

BE IT FURTHER RESOLVED, that Conditional Use Permit Amendment No.

304755 is granted to Scripps Health, a California Non-Profit Benefit Corporation,

Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Rachel C. Lipsky
Deputy City Attorney

RL:mm
05/02/08
Or.Dept:DSD
R-2008-1039
MMS #6208

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-5937

CONDITIONAL USE PERMIT NO. 304755
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 88-1062)
SITE DEVELOPMENT PERMIT NO. 531932
SCRIPPS MERCY HOSPITAL - PROJECT NO. 94392 [MMRP]
CITY COUNCIL

This Conditional Use Permit [CUP] Site Development Permit [SDP] is granted by the Council of the City of San Diego to Scripps Health, a California Non-Profit Benefit Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0303 and 1512.0203. The 19.25-acre site is located between Washington Street, 4th Avenue, 6th Avenue and Arbor Drive, in the NP-1 zone, and the MR-800B zone of the Mid-City Communities Planned District and the RS-1-4 zone. This approval would change the zones to CN-1A, NP-1 and the OC-1-1 zones as shown in the approved Exhibit "A." The project site is also located in the Airport Environs Overlay Zone, the FAA Notification Area for Lindbergh Field, and the Transit Area Overlay Zone, within the Uptown Community Plan area. The project site is legally described as Parcel 1 of Parcel Map 8543, Map No. 1069; Lot 11 in Block 3 of Hillcrest, Map No. 1024; Lots 7 through 9 and a portion of Lot 28, Block 3 of Hillcrest, Map No. 1024; a portion of the alley within Block 3 and a portion of Lot 2 of Mercy Subdivision, Map No. 5252, and a portion of the alley between Lot 2 and Lot 7, Lots 36 through 53, and Lots 74 through 91, and Lot 36A in Block 1, Lots 37A and 38A in Block 3 of D.B. Williams Subdivision of Lots 35, 36, and a portion of Lots 47 and 50 of Fleishers Addition, Map No. 855.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the construction of a central energy plant, expansion of the emergency department, construction of two surface parking lots, demolition of existing structures to allow construction of a 6-level parking structure, and a rezone of the site described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated April 3, 2008, on file in the Development Services Department.

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This Permit acknowledges that each individual project may be constructed in phases, with separate and not necessarily concurrent schedules. Where permit conditions apply to site specific development conditions, fulfillment of the condition requirements shall apply to the individual project seeking a building permit or occupancy, as identified in the following requirements and conditions. The required satisfaction of conditions for any phase of the project shall be at the sole discretion of the Development Services Department.

The project or facility shall include:

- a. The demolition of a 3,276 square-foot daycare center;
- b. The construction of an approximately 13,796-square-foot expansion of the existing emergency department, including 21 new exam rooms, a 3-bed trauma unit and remodeling of 16 existing exam bays in the facility, resulting in approximately 28,796 square feet and 40 exam beds;
- c. The construction of two surface parking lots with a total of 44 parking spaces between 4th and 5th Avenues;
- d. The construction of an approximately 223,842-square-foot parking structure with 648 parking spaces;
- e. The construction of an approximately 17,895-square-foot central energy plant;
- f. Maintenance of two modular imaging facilities totaling 4,439 square feet located on Lewis Street between the existing garage and the College Building;
- g. Maintenance of an existing 467-bed general hospital plus a 50-bed psychiatric unit, for a total of 517 beds;
- h. Maintenance of 23 existing apartment style housing units for person with AIDS within a rehabilitated, 25,000 square-foot, 5-story, former nuns convent, with common lounges, managers office, library and other common areas and 24 off-street parking spaces located in the Mercy Gardens building. This use is permitted under Conditional Use Permit 98-1075 and will remain in effect and shall not be rescinded;
- i. Maintain and reconfiguration of the existing parking garage to add accessible parking spaces for a total of 749 parking spaces;
- j. Maintenance of two of the existing 47-square-foot directional signs located on the pedestrian overpass to Sixth Avenue extension as authorized by CUP 86-0403;
- k. Maintenance of an Emergency Helipad;

- l. Landscaping (planting, irrigation and landscape related improvements); and
- m. *Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.*

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such *Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.*
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of each building or grading permit, complete grading and working drawings shall be submitted to the Development Services Department for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

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11. Prior to issuance of any construction permit the applicant shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

12. This project shall conform with the provisions of the Public Right-of-Way Vacation Nos. 525320, and 525326, Public Right-of-Way Dedication Nos. 525322, and 525327, Easement Dedication No. 525329, Easement Vacation No. 525323, 525331, 525330, 525324, and 525332, and Rezone No. 525271.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. As conditions of Conditional Use Permit No. 94392, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 94392, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program MMRP as specified in the Mitigated Negative Declaration No. 94392 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontology
Biological Resources

16. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

17. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any construction permits, the applicant shall dedicate additional right-of-way, at the southeast corner of Fourth Avenue and Fifth Avenue and along the project frontage on Fourth Avenue and Fifth Avenue, to provide a minimum of 10 feet curb to property line distance, satisfactory to the City Engineer.

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19. The applicant shall construct City standard driveways, adjacent to the project site on Fourth Avenue and Fifth Avenue, satisfactory to the City Engineer. All work shall be completed and accepted by the City Engineer, prior to building occupancy.
20. The applicant shall remove and reconstruct a modified driveway, on Fifth Avenue, serving the single-family residence north of the proposed private fire lane, satisfactory to the City Engineer.
21. The drainage system for this project shall be private, unless noted otherwise on the plans, and will be subject to approval by the City Engineer.
22. The applicant shall grant storm drain easements on all proposed public storm drainpipes, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
24. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
25. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
26. Prior to the issuance of any construction permit the applicant shall incorporate and show the type and location of all post construction Best Management Practices (BMPs) on the final construction drawings, consistent with the approved Water Quality Technical Report.
27. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
28. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received. Further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the Owner(s)/Permittee(s)

and subsequent Owner(s)/Permittee(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99 08 DWQ.

29. This project proposes to export 10,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

30. Prior to the construction of the private improvements over the storm drain pipe easement, within the vacated portion of 5th Avenue, an Encroachment Maintenance and Removal Agreement must be obtained, satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS:

31. The center of the proposed 24-foot driveway on the north side of 5th Avenue shall be offset no more than two feet from the north/south centerline of the re-aligned 5th Avenue, satisfactory to the City Engineer.

32. No fewer than 1,861 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 3, 2008, on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department. Landscaping located in parking areas shall be permanently maintained and not converted for any other use.

33. The project shall install a minimum of 21 feet of red curb at the southwest corner of Montecito Way and 4th Avenue along the south side of Montecito Way, satisfactory to the City Engineer.

34. Stop signs shall be installed on 5th Avenue adjacent to the proposed crosswalks on 5th Avenue, satisfactory to the City Engineer.

35. The proposed parking structure located on a 2.6-acre parcel north of the existing parking structure at 4th Avenue and Montecito Way shall contain no fewer than 648 automobile parking spaces, including 13 accessible parking spaces (of which a minimum 2 shall be van accessible parking spaces), and these spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." All new on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code.

LANDSCAPE REQUIREMENTS:

36. In the event the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to meet the Landscape Regulations.
37. Prior to issuance of any construction permits for grading, the Owner/Permittee or Subsequent Owner/Permittee shall submit landscape construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.
38. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permittee or Subsequent Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
39. In the event that a foundation only permit is requested by the Owner/Permittee or Subsequent Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'
40. Prior to issuance of any construction permits for buildings, including shell, the Owner/Permittee or Subsequent Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
41. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee or Subsequent Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
42. The Owner/Permittee or Subsequent Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

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43. The Owner/Permittee or Subsequent Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

44. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee or Subsequent Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

45. Prior to issuance of construction permits for grading, the Owner/Permittee or Subsequent Owner/Permittee shall ensure that all proposed landscaping shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in Table 1 of the Landscape Standards shall not be permitted.

46. The Owner/Permittee or Subsequent Owner/Permittee shall maintain nonpermanently irrigated landscape located offsite for a period not less than 25 months. All temporary irrigation shall be removed prior to final acceptance by Development Services Department.

47. All revegetated areas shall be maintained by the Permittee until final approval by Development Services Department. The maintenance period begins on the first day following acceptance and may be extended at the determination of Development Services Department.

48. Prior to final approval of landscape and revegetation areas, Development Services Department may require corrective action including but not limited to, replanting, the provision or modification of irrigation systems, and the repair of any soil erosion or slope slippage.

PLANNING/DESIGN REQUIREMENTS:

49. Fees may be charged for non-employee parking within the parking structures.

50. This Conditional Use Permit shall supersede all previous amendments(as listed below)

granted to Scripps Mercy Hospital and Medical Center with the exception of uses permitted under Conditional Use Permit 98-1075;

a. CUP 5816 Amendments 1-8

- b. CUP 83-0657
- c. CUP 85-0275
- d. CUP 86-0403 (except as mentioned in Condition No. 56)
- e. CUP 83-0657.1
- f. CUP 88-1062

51. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

52. As a component of this project, two deviations are granted as shown on the approved Exhibit "A" dated April 3, 2008. The two deviations are as follows:

- a. In the CN-1A zone there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines. The proposed project, if rezoned, would require a street wall within 6 feet of the property line along the frontage and applicable street sides. The project does not propose any street wall and requests a 100% deviation.
- b. In the NP-1 Zone for the surface parking lots, there shall be a minimum lot coverage of 20 percent. There are no structures being proposed within the two surface parking lots and would therefore have a coverage of 0%. This is a 100% deviation from the requirement.

53. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

54. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

55. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
56. Other than those signs authorized by CUP 86-0403, all signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.
57. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
58. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
59. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
60. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

HELIPAD OPERATION

61. Operation of the helicopter landing facility requires a permit from the California Department of Transportation, Aeronautics Division.
62. Heliport lights shall be adjusted or screened so as not to create glare or shine upon adjacent streets or properties.
63. Helicopter flights shall be limited to emergency flights to transport the critically ill and injured emergency cases and shall be limited to an average of 25 round trips per month (landing and takeoffs), or 300 per year. The permittee shall maintain records on a monthly basis of flight activity, to be provided for review. An amendment to the permit shall be required, along with appropriate environmental review if deviation from the maximum of 300 flights per year occurs.
64. The helicopter takeoff and landing flight pattern shall be as indicated on Exhibit "BB" and "BB-1," dated December 18, 1986, and shall be strictly adhered to unless a state of emergency has been declared but the proper public officials.
65. No helicopter shall be based at this location.

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66. The primary approach and departure paths and the alternate departure path shall be as required by CALTRANS Aeronautics Division and as submitted to Development Services Department.

67. The applicant shall notify all helicopter pilots using the helipad of the primary approach and departure paths and shall recommend their use except in such instances as the pilot, in their sole professional judgment, shall deem these primary approach and departure paths unsafe, in which event an alternative path shall be utilized.

68. A helicopter preference landing plan shall be developed by U.C.S.D. Medical Center, Scripps Mercy Hospital and County of San Diego Emergency Medical Services to implement the following: between the hours of 11 p.m. and 6 a.m., U.C.S.D. Medical Center shall be the preferred landing site. When U.C.S.D. Medical Center is unable to accommodate this preference, the helicopter would be directed to land at Scripps Mercy (if available).

69. County of San Diego Emergency Medical Services shall monitor the impact of the helicopter preference landing plan on individual patients and the system.

70. The involved parties shall meet and confer on any proposed changes to the helicopter preference landing plan, or on an as-needed basis.

WASTEWATER REQUIREMENTS:

71. All onsite sewer facilities that serve only this site shall be private.

72. Prior to the issuance of any building permits, the developer shall privatize the existing onsite public sewer mains that serve only this lot, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

73. The developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights of way, satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material, satisfactory to the Metropolitan Wastewater Department Director.

74. No structures or landscaping shall be installed in or over any sewer easement that would inhibit vehicular access to replace a section of main or provide access to any manhole or isolated section of main.

75. No approved improvements or landscaping, including grading, irrigation, private utilities and enhanced paving, shall be installed in or over any easement prior to the applicant acquiring an Encroachment Maintenance and Removal Agreement.

76. No trees shall be installed within ten feet of any sewer facilities or in any sewer access easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easements.

77. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Metropolitan Wastewater Department. Other agencies will require separate easements.

78. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

79. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

80. Prior to the issuance of any public improvement permits, an Industrial Waste Permit will be required from the Metropolitan Wastewater Department (858-654-4106) for this site.

WATER REQUIREMENTS:

81. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), if required, outside of any driveway or drive aisle and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

82. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on all proposed water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Cross Connection Control Group, the Water Department Director and the City Engineer.

83. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Fire hydrants shall be located a minimum of five feet from any structures above, at or below grade. All on-site fire hydrants shall be private.

84. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct new public water facilities in acceptable alignments and rights-of-way.

85. Prior to the issuance of any certificates of occupancy all public water facilities necessary to serve this development, including meters and services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

86. All on-site water facilities shall be private including domestic, fire and irrigation systems.

87. Prior to the issuance of any building or engineering permits, except grading, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved rights-of-way, satisfactory to the Water Department Director and the City Engineer. All paving within easements shall conform to Schedule "J" or better. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

88. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

89. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and associated easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

90. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water mains and services, outside of any driveway or drive aisle and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

GEOLOGY REQUIREMENTS:

91. Additional geotechnical review will be required as part of the ministerial permit issuance process if a grading or building permit is required for this project.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

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- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____
by Resolution No. _____
AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

SCRIPPS HEALTH,
A CALIFORNIA NON-PROFIT
BENEFIT CORPORATION
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**